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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 8

Transcript Volumes (English Version)

Volumes 20-22, p. 6,882-8,043
Feb. 12-28, 1948



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INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, *United States of America v. Carl Krauch et al.* (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

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and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weissaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst Buergin: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Bueteffisch: Member of the Vorstand of Farben; manager of Leuna plants; production chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the Himmler Freundeskreis (circle of friends of Himmler); and SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haeffliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.

Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.

August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.

Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.

Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.

Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.

Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystруп, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.

Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.

Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturm-fuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigshafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines.¹ The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

¹ The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haeffliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Bueteftisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Bueteftisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

<u>Name</u>	<u>Length of Prison Term (years)</u>
Ambros	8
Buergin	2
Bueteftisch	6
Duerrfeld	8
Haeffliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

- First Motion of the Prosecution, volume 1
- First Joint Motion, volume 3
- Second Joint Motion, volume 14
- Third Joint Motion, volume 24
- Fourth Joint Motion, volume 29
- Fifth Joint Motion, volume 34
- Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

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but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

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type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

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Roll 8

Target 1

Volume 20, p. 6,882-7,250

Feb. 12-17, 1948

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 20**

**TRANSCRIPTS
(English)**

**12-17 February 1948 pp. 6882-7250
also 7 February Commission**

- Official Transcript of Military Tribunal VI
in the Matter of the United States of America
against Karl Krauch, et al, defendants,
sitting at Nurnberg, Germany, on 12 February
1948, 0930, Justice Shake, Presiding.

THE MARSHAL: The Honorable, the Judges of Military
Tribunal VI. Military Tribunal VI is now in session. God
save the United States of America and this Honorable Tri-
bunal.

There will be order in the Court.

THE PRESIDENT: Report, Mr. Marshal.

THE MARSHAL: May it please Your Honor, the de-
fendants Krauch, Haefliger, Lautenschlaeger and Oster are
absent from the court room.

THE PRESIDENT: The defendants named are excused
on their application from attendance today.

On the 29th of January the Tribunal, of its own
motion, named a commission of medical officers of the
United States Army to make an examination of the defendant
Schmitz. Dr. Schmitz has been absent for several days on
account of that examination and we note his return this
morning. We have just received from the commission a
report, under date of the 6th of February, and the Tri-
bunal now hands to the Secretary a copy of that report so
that it will be available for counsel.

Are there any other announcements? If not, you
may continue, Dr. Berndt.

DR. BERNDT: (Defense Counsel for Defendant Ter
Meer): Mr. President, a little difficulty has arisen.
We have books Nos. 2, 10 and 11 before us and they are
also before Your Honor. We can immediately go into
matters in these books and present our evidence about
these three books. We then intend to present the Buna
matter. Buna is divided into two parts - Buna in Germany

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and Buna in the United States. For that part in Germany we have books Nos. 4 and 5 and for that part in the United States we have the four books, 3, 7, 8 and 9. Books Nos. 4 and 5 we have in German; but only Book 5 in the English, and not Book 4. It is, however, very difficult to present this matter, which is a technical matter, without books. From the four books dealing with Buna in the United States, the two books 6 and 7 are available in English, but Books 8 and 9 are missing in English and all of them are missing in German. Especially about the Buna question in the United States the presentation of the books is of decisive importance and my client, who has been charged most severely by the prosecution in connection with Buna in the United States, must know when he starts his testimony that these books are available. May I therefore suggest that we continue the evidence this morning by using Books 2, 10 and 11. We shall then wait and see if we get Book 4 in English this afternoon.

JUDGE HERRILL: Dr. Berndt, may I say a word? It's regrettable that you did not follow the suggestion of the President and contact me yesterday evening in reference to the document books. However, we did have a conference in my office yesterday evening with reference to the situation as to the document books for Ter Meer, with the result that you have in your possession 10, 11 and 5, and we have the assurance that 4 will be delivered by noon today. I did not have any information about the situation concerning the German copies as you did not advise me of them until this morning. When you told me the situation with reference to the German copies I immediately contacted the office of the Defense Center. If they cannot furnish the full German copies, mimeographed copies, they

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will furnish you typed copies so that you can proceed without delay. The books 8 and 9, I think, will be available by the time you need them. The processing offices were all at work last night, under special arrangement, on the Ter Meer books.

DR. BERNDT: There must have been a little misunderstanding. After the session yesterday I want to see Judge Hebert and I was told that it was not necessary to get in touch with anybody else.

JUDGE HEBERT: You're absolutely correct, Dr. Berndt, I told you that I would talk with Judge Merrill about the books and we did work on them for about an hour and fifteen minutes after our conference with you and I don't believe Judge Merrill knew that. So you are absolutely correct on that and you are not charged with any dereliction in that regard.

THE PRESIDENT: You may make your own arrangements with reference to the order in which you take up your presentation, Dr. Berndt. The program that you suggested for today is a matter for you to determine. What you have decided is entirely satisfactory to the Tribunal. We will go ahead and, in the meantime, do all that we can to see that you're not inconvenienced so far as the future delay of your books are concerned. So you may go ahead.

DR. BERNDT: May I say this, Mr. President? After we have received Book 4 we shall be in a position to present the question of Buna in Germany to the Tribunal. If then there should be a recess necessary in my presentation of evidence, my colleague Boettcher has stated his readiness to present his missing document books in regard to Krauch to the Tribunal. So we should have today filled out. But then we should have to answer the question

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whether we are in a position to present the Buna question in the United States because we don't have Books 8 and 9 tomorrow. If they are not before us tomorrow then I should like to suggest to the Tribunal whether we could not postpone tomorrow's presentation until Monday because we can certainly expect to have all four books in English and German by then.

THE PRESIDENT: Well, we'll meet the situation when we reach it, but I may say to you that the Tribunal is not disposed to lose tomorrow. If there is some reason why you cannot go forward, we would expect someone else, so that we do not lose the day. It is important to keep on the schedule, but we'll face the arrangement in the program tomorrow after the situation develops a little further with respect to the availability of the books.

Speaking of tomorrow, this might be an appropriate time for the Chair to announce that this court room will be in use by another Tribunal tomorrow and arrangements have been made for us functioning in the court room immediately below this. I think it is denominated Room 2, but I'm not sure of the designation, but it is the room on the second floor beneath this one.

You may go along, Doctor.

DR. BRANDT: We shall then present Books 2, 10 and 11, and my colleague, Dr. Bornemann, will undertake the presentation of that evidence.

FRIEDRICH TER MEER - Resumed

DIRECT EXAMINATION - Continued.

BY MR. BORNEZMANN:

Dr. Ter Meer's further examination will cover the field which has been presented by the prosecution under the heading of mobilization planning: the question of air raid protection secretly and plans of mobilization. I begin with the field of air defense.

Q. Dr. Ter Meer, the prosecution charges Farben and also you to the effect that Farben, on their own, had initiated air raid protection measures. Does this assertion correspond to the truth?

A. This statement is not correct. Air raid protection was ordered by Reich laws. These legislation of the National Socialist Government was issued during the years 1935 through 1939; but already long before that time, since 1931 already, the industrial plants were requested by the Reich authorities to take steps for air raid protection. The advising and supervision of the plants was entrusted to the Reich Association of German Industry and that organization formed a special committee for industrial air raid protection. This committee issued a number of pamphlets, the first of which I seem to remember was printed in 1931 and I shall have it produced a little later. It deals in detail with the industrial air defense. In the same pamphlet, the air protection measures of most European states are described and especially the countries France, England, Czechoslovakia, Holland, Poland and Russia are mentioned. Non-European countries listed are Japan and the United States. The measures in those countries date back in part to the year 1937. It is interesting that in France, according to a decree of the French War Ministry from the year 1936, the population of the frontier district was instructed in protection against poison gas and similar measures apply for England, Poland and Russia. As a result, Germany too concerned herself with air raid protection measures since 1932 and with protection of the population against gas attack. The organization of the civilian

air defense was expressly permitted to Germany on the basis of the Paris agreement on aviation of the 26th of May 1926.

Q. Dr. Ter Meer, you said that since 1932 Germany concerned itself with air defense in the civilian sector. Weren't you perhaps mistaken? Wasn't it in 1931?

A. I meant to say 1931, but I may have been mistaken.

Q. What can you say generally about Farben's position in regard to air defense and, in particular, about your own position and attitude thereto?

A. Farben's attitude towards air defense was completely reserved and reticent. Certain measures could not be evaded and Farben's endeavors were directed towards complying with these measures formally and to expend the money necessary by to keep things in a modest and economizing extent. The prosecution presented an Exhibit 170, NI 8461, in Book 7, English page 10 and page 2 and 3 of the German. This is the record of a session of various plant managers in Leverkusen on the 21st of April 1935. May I quote the following short excerpts therefrom. Schunk, the man charged with air raid protection matters in the plant, points out that "we should now have to take matters about air defense into our hands." Government representatives already emphasized during discussions that by decrees of the authorities industry was forced to undertake expensive work, if the firms concerned could not decide to carry out the so-called first steps which had to do with air raid protection." At the end it says: "In conclusion, Kuchno" this is the defendant Kuchno, "states that only that should be done into which the plant could be forced and, above all, quiet should be observed and matters should not be exaggerated."

Q. As head of TEA and Sparta II did you yourself have anything to do with air defense measures?

A. Yes: as head of the TEA I had to discuss the credit applications for air raid measures.

Q. Perhaps you can explain to me the words credit applications.

What was concerned here?

A. May I say a few words in the English language in order to make this clearer than it may come through the translation staff.

We used, in I.G. Farben, the word "credit" and "appropriations" or "requests for credits" in the following sense. The work which asked for credit is to be compared with somebody who takes a credit with a banking institution. That, of course, wasn't the case here. The fact was that the work, so to say, took out a credit from the financing committee or the financing staff of our own firm and there was opened a credit account for that specific works and the works was now a debtor for that sum to the financial department. Every expense which had to be made in connection with the expenditure for such new installation or a new construction or whatever it was had to be carried against that credit account and when the work was finished, the account was closed and the financial department had on its books no more a sum of money but an asset in an installation, and for the purpose of this handling we used the word "credit" which is of course, understandable. Therefore, I would explain that.

Q. After this last immediate question, the explanation of which seems important in view of yesterday's testimony about the TEA activity, we shall return to the air defense. I should like to ask you further, Dr. Ter Meer, what was the attitude of TEA in regard to credit requests and requests for appropriations for air defense?

A. TEA was of the opinion that those expenditures should be made that were unavoidable because of government orders. I said before when I explained TEA members' attitude, I quoted Mr. Kuehne's remark. Upon my suggestion, Mr. Jachno, the chief engineer of Farben and the chairman of the technical commission, TEKO, was asked to treat air defense for the entire enterprise and to see to it from Hoechst that in the individual plants matters were handled equally and in conformity. By these measures we wanted to prevent the particular zeal of local Party organizations or the particular pressure of local organizations causing

the individual plants too great expenses which might jeopardize the other plants.

Q. Can you illustrate this reticent attitude of Farben in any way?

A. The prosecution presented Exhibit 174, NI 4338 in Book 7 on page 46D of the German and 233 in the English. Then also Exhibit 179, NI 4451, also in Book 7 on page 79D of the German and 32D of the English. The text of these exhibits shows quite clearly Mr. Jaehne's endeavors to keep expenses for air defense low.

Q. Did you participate in the air defense plants which were incorrectly termed war games by the prosecution?

A. Not I myself. I sent Dr. Struss to two such air defense maneuvers. One was in Ludwigshafen, the other one in Leuna. I believe Dr. Jaehne testified about this. These mobilization games were also ordered by the authorities and in the fourth pamphlet of the Reich Association of German Industry these mobilization games were described in detail and their execution was recommended to the individual plants.

Q. Did you ever participate in any mobilization games as spectator or actively?

A. No, I didn't think it worthwhile to go there.

Q. The prosecution also spoke about map reading maneuvers in their presentation of evidence. Can you tell me anything about that?

A. I heard this expression for the first time from the prosecution. I didn't know it myself. I consider perhaps it is something similar.

DR. BORNEHANN: This finishes questions to Dr. Tor Ibor about air defense. I shall now permit myself to present those documents from Book 2 for Dr. Tor Ibor which deals with air raid protection or air defense. These are documents 251 to 261.

On page 1 of Book 2 there is Document 251 which I offer as Exhibit 51. This is an affidavit of the former chief of the plant ad-

ministration. The chief of the plant administration is really more of a superior superintendent. He is not the chief of the plant. This is an affidavit of Mr. Hans Pöchl about the structural organization of the Plant's civil air protection. He was the chief of the plant civil air protection. The witness declared that in 1931 the civil air protection was established by order of the government, since this was explicitly permitted Germany by the Paris aviation agreement of May, 1926. The affidavit further states that within the framework of the general civil air protection measures, the industrial air protection formed a special field and the industrial air protection was under the jurisdiction of the local police authorities and, thus, under that of the government. The Reichsverband der Industrie, (The Reich Association for Industry,) which was later called the Reichsgruppe-Industry, was the advising agency for the protection and the representation of the interests of the industrial establishments. The witness further points out that the air protection practice games and the air protection exercises did not originate from the initiative of Farben and that the expression "Kriegsspiele", (war games), as it was frequently mentioned here, is incorrect.

The execution of the air protection exercises and air protection practice means was ordered by the authorities to industry. The Aviation Ministry had reserved the right for itself to control the air protection in the works. The works concerned did not welcome this at all, but they rather considered it a nuisance.

The next document is the Air Raid Protection Law of 26 June 1935. This is Document No. 252, Exhibit Ter Meer No. 52. I only want to point out Article one of this law. It is found on page 7. It states:

Air-raid protection is a task for the Reich and is the responsibility of the Reichs Minister of Aviation.

"For the execution of the air-raid protection, the Reichs Minister of Aviation makes use of the regular police and police control authorities in addition to the Reichs air administration authorities."

In Article 2 it states:

"All Germans are subject to service as well as to other acts, submission and instigations which are necessary for the execution of air-raid protection (air-raid-protection duty.)"

Also Article 3, states:

"All judicial persons, with legal organizations, institutions and agencies of public law or private law, are further subject to air-raid protection duty as long as they have their seat, settlement, or possessions in Germany. "

This regulation expressly describes the air raid precaution duties of an organization like Farben. The non-compliance of these duties for air raid protection is cited as punishable under Article 9 of this law. This air raid protection law was subsequently implemented by a number of executive laws and implementations. Extracts from these regulations are given in Ter Meer Documents No. 253, 254 and 255.

I offer Document 253 as Exhibit No. 53. This is the second enactment law to the Air Protection Law of May 4, 1937. Only one regulation is interesting from this enactment order. On page 11, Article I.

"Anyone erecting new buildings or other building installations, or carrying out conversions or extensions of buildings which constitute a material increase in value of an existing building or part of a building, has to take constructional measures in conformity with the requirements of air-raid protection. "

Document No. 254 now follows, and will be offered as Exhibit No. 54. This is an extract from the First Directive concerning Art. 1 of the Second Order for Implementing the Air-Raid Protection Law, 4 May 1937. In this implementation directive it is directed that air raid shelters must be provided throughout the entire Reich territory.

The next document in this group is Document No. 255, which is offered as Exhibit No. 55. These are extracts from the Second Directive of the Supplement, Article I, Second Enactment Order for Air Raid Protection Law. Through these implementation orders the obligation to provide for air raid shelters is defined, unless the buildings have already complied with air raid protection laws.

The next group of documents are 256 through 261. These documents are extracted from the already mentioned pamphlets about industrial air raid protection issued by the Reich Association of German Industry. The first is Document No. 256 which will bear Exhibit No. 56. May I in particular point out the title page of this document to be found on page 16 of the Document Book. This title page is interesting because it bears the date of 1 December 1931, a time which by far anti-dates Hitler succession to power. This leaflet or pamphlet contains innumerable amounts of regulation about air protection. This can be seen from the index on pages 17 and 18 of our Document Book.

On the following page the paragraph 3 is interesting. I quote:

"By numerous military exercises - particularly in England and France - it was discovered that even the best military air defense by own fighter squadrons does not render obsolete measures of civil air raid

precaution.

Under paragraph 4 Germany's position in the case of air raid, it is stated that the Reich territory is in the most unfavorable position, since from many points in Germany it might be attacked within the space of a few hours with bombs of all kinds.

May I then direct the attention of the Tribunal to Page 22, which contains a description of air raid precaution measures of the most important European states as of the summer of 1931. Under the title "France" it states, already in 1930 France was authorized to spend 3.3 billion Francs for air raid protection. Nevertheless it was realized in France these were only temporary measures.

On page 23 the situation in England is described in regard to air defense, and the third statement there is interesting. The number of people working in the chemical warfare research department increased from 480 to 550 during the last year, it says. This is 1931.

On the following pages, Czechoslovakia, Holland which is entirely an absolute peaceful country, and Poland are listed, and then finally Russia and Sweden. The non-European countries mentioned are the United States of America and Japan. It says these countries have recently been working on civilian air defense work.

The next document, Document No. 257, is offered as Exhibit No. 57. This is the second leaflet, the second information leaflet of 15 November 1932. It deals with protective measures against gas attack. I only want to point to one regulation on page 28, paragraph I. It states:

"That international agreements on a prohibition of gas attacks recognized by all participating nations cannot be enforced, in no circumstances can the preparation of protective measures be neglected."

Document No. 258, Exhibit No. 58, will be the third leaflet, dealing with structural questions in connection with factory air raid precautions.

The fourth leaflet now is offered as Document No. 259, Exhi-

bit No. 59. It deals with the air raid protection exercises of industrial plants, and as can be seen on page 33 of the document it is dated November 15, 1932. On page 35 the purpose of the air raid protection measures is discussed. I don't wish to go into the details. From the entire document it can be seen that these are purely defensive measures.

On page 36 it is interesting to note that the air raid protection measures were not something secret, but that spectators could participate, and were even invited. There is a supplement that belongs to this document, page 37, following in which the conception of land exercises are discussed.

On page 38, paragraphs 1 and 2, we will quote:

"In a planned plant exercise, the preparatory and defense measures of a plant prior to, during and immediately after an air attack can be carried out on the basis of a large scale works plan as realistically as possible.

"Purpose of the planned plant exercise is to assist and check the air raid precautions training of the persons participating in the exercise."

Along this line the participation of spectators is especially desirable. That can be seen page 39, paragraph 15.

On page 41 there are the characteristics of these plant exercises discussed. It is stated there that air raid precautions are to be carried out as a kind of tactical exercise. These plant exercises are prepared on a large plan of adequate dimensions drawn to scale and to permit them to survey, etc. This precaution is one which the Prosecution had in mind when they charged a game of reading maps was carried out. It is shown that this was not any sort of a maneuver, but simply air raid protection exercise.

The next is Document No. 260, Exhibit 60. It is leaflet No. 5. It defines the industrial fire protection within the industrial air raid protection. Nothing has to be said as to this document.

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And finally there is information leaflet No. 6; Document 261, Exhibit No. 61. This deals with industrial air raid protection in general.

It is only submitted for completeness sake. This concludes the field of air raid protection.

I now turn to questions of secrecy. When discussing this particular field I believe I should begin with a remark that a member of the Tribunal made in the person of Judge Morris, on the 3 September 1947, in the afternoon session, Judge Morris stated at the time, "I don't think we are no longer interested in the individual measures that were taken for keeping things secret." Therefore, I shall take it upon myself not to ask Dr. Ter Meer too much in detail about this field.

Q. Dr. Ter Meer, what did you have to do with the field of secrecy; did you have any close contact with these questions by reason of your position in Farben?

A. I personally had not much to do with this since I was not plant director or manager. I had my office in the Administration Building in Frankfurt, and that was probably the reason why as far as I remember I was not obligated to keep anything secret before the War. Of course, I knew such regulations classified as "secret matters of the Reich," secret letters, etc. At a later time I also signed a certificate that obligated me to keep matters secret, but I do not remember when that was. I do remember, however, that such obligations to keep matters secret existed already before the War, and that people were so obligated. For instance, my colleagues on my own Sparta as a result were not permitted to speak to me about certain things any longer. Of course, I also knew the regulations of the draft of a Bill regarding Economic Treason and the extensions of the regulations about Military Treason, which Dr. von Knorriem has discussed in detail on the witness stand.

Q. As far as you know was Farben particularly active in keeping matters secret?

A. In 1929 through 1932/33 my main office was in the plant Leverkusen, and in the plant Leverkusen we had the so-called Central Agency of Farben for such questions. This Central Agency combatted the disclosure of process secrets and business method secrets, it investigated falsification of trademark goods, it was used when we found any of our patents and our trade-marks to have been violated, and it kept under surveillance certain

black market firms that occupied themselves with crooked measures of pharmaceuticals and other chemicals. These measures were, of course, contemplated against domestic and foreign sales executions. This agency was under the direction of a certain Mr. Morbeck, who had previously been a criminologist, and in one case of economic espionage worked successfully for Leverkusen and was hired as a result of the work. The execution of the information system of Farben under Mr. Morbeck's direction in the Leverkusen Plant was carried out in 1921, because of the events which I just mentioned.

Q. After 1933 did anything change in the basic attitude of Farben in regard to secrecy matters?

A. No, nothing changed fundamentally. The intensification of regulations about secrecy matters by the State by way of regulations and decrees was added and that caused us some worry now and then. Dr. von Knieriem already mentioned that the law about treason was possibly to be made effective under certain circumstances retroactive. In view of the size of our firm we had to institute measures to protect our employees, because we could not expect that our plant managers everywhere, and persons in the plant and combines would have studied all these measures, and even if they had done so they would not be able to interpret them correctly. So after 1933 we saw ourselves forced to treat secret matters secretly and to intensify this central treatment, and for that purpose in the beginning of 1936 we established in Berlin, in connection with the Vermittlungsstelle-W, the so-called Office A, which was first under the jurisdiction of Mr. Morbeck, and later under his successor, Mr. Faubel. As a matter of fact, this did not change because Mr. Morbeck retained an office in Leverkusen and Mr. Faubel did so later, and they was several days in Berlin in order to dictate a few circular letters for the plant there.

Q. When the Office A of Vermittlungsstelle-W was established did you have anything to do with it?

A. My participation in the erection of Office A, Vermittlungsstelle-W

consisted in making the counter-signature to a letter. At that time Professor Solck was the so-called main plant manager of Farben, and when Office A of Vermittlungsstelle-W was to be instituted Professor Solck sent circular letters to all the plants and sales departments. Several circular letters were for Spahn II, I counter-signed, gave the second signature.

Q. Did you concern yourself in the further course of events with the activity of Office A?

A. No, never.

Q. Did you have the duty of supervision about Office-A?

A. No.

Q. Was it under your personal jurisdiction; did you have authority to give directives?

A. No, I did not bother with it at all.

DR. BORNEMANN: This has exhausted my questions in this field, and I should now like to offer the documents belonging to this particular problem. These are documents in Ter Meer Document Book II, Ter Meer Documents 262 to 273. The first is document 262, Exhibit No. 62. This is an affidavit of the Director of the Security Police of Farben and Leverkusen, Jean Morbeck, who was head of Office A in Vermittlungsstelle-W, Department A. The document is on page 46 of Book II. Mr. Morbeck first makes some statements about his own person. We are only interested in finding that he was a criminal commissar, Polizeipraesidium in Cologne, and that he dealt with economic matters. In March 1921 he joined Farben, the then firm of Friedr. Bayer Co. in Leverkusen, where he took over that security department that was later called Work Police, and which was the central agency for the combatting of prohibited export crooked deals, and the prevention of disclosure of patents and other process secrets. This department was not only under the jurisdiction and under the disposal of Friedr. Bayer Co. in Leverkusen, but also other firms of Farben.

It's activity was finally confined to the counter-intelligence, the "Abwehr" measures. Then, at the end of 1935, the beginning of 1936, Department A was founded, this was officially announced through a circular letter of 2 January 1936. On page 49, Mr. Morbeck testifies that this circular letter was drafted by Mr. Professor Selek, and that Dr. Ter Meer did not participate in it. He only added his signature when it was published. From Mr. Morbeck's statements on page 49, it can be seen that Department A's activities were confined to the prevention, elimination, and prosecution of activities punishable according to German Penal Law. But, that it never actively engaged in industrial, economic, and least of all military espionage. It was a pure defensive department, but not an active espionage agency. Mr. Morbeck retired in 1937, but he knows that these principles were observed after his resignation too. Document Number 263 will be Exhibit Number 63 and that is an affidavit of Mr. Morbeck's successor as chief of Department A within Vermittlungsstelle W, Fritz Faubel. On page 51 he states: "From March 1937 to February 1940 I was the Chief Counter Intelligence Agent of the I.G. Farben Industrie Aktiengesellschaft and in this capacity head of the Department A of the Vermittlungsstelle W. in Berlin. From the beginning of my duties until I was recalled from my position without notice by the Army High Command I never had any official connection with Herr Dr. Ter Meer. During this period I neither saw nor spoke to Herr Dr. Ter Meer. Nor did I receive directly or indirectly any instructions from him concerning the execution of my duties." Number 3 on page 52 is interesting and in particular the indication that even during the first months of the war it was very much stressed to retain the civilian contracts for the individual plants and prevent their classification into the so-called factories. The next document is 264, Exhibit Number 64. This is an extract from the regulations of the Reich Penal Code about high treason, 24 April 1934. This is Exhibit Number 64. This belongs together with Document Number 265, which will be Exhibit 65, which is an amendment to the Penal Code of the Reich Legal Gazette of 1936, and broadens the

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regulations of high treason and treason against the country. It is superfluous to make any comment about these two documents, since Dr. Von Knieriem's testimony as a witness has already dealt with this detail. Now, there is a group of documents from 266 to 273 which are to prove how the State authorities urged that matters be kept secret. The first is Document Number 266, Exhibit Number 66. This is an extract from the service regulation for counter-intelligence officers with armament plants bearing the date of 20 August 1935. The document is presented especially because it bears the date of 20 August 1935. This is to show that already at an early time the State authorities insisted on keeping matters secret and that that was not in any way the invention of Farben. From Document Number 266 on page 62 of the book under Paragraph 1, we should emphasize the purpose of the measures about keeping information secret. It is stated here: "The extremely lively activity of the foreign military information service requires the utmost concentration of all forces engaged in counter espionage, and the elimination of treason and sabotage, in order to establish a uniformly directed battle front." The next is Document 267, Exhibit Number 67. It is a supplement to the document just mentioned, Exhibit 66, dated 15 April 1936. Exhibit Number 68 will be Document Number 268. These are extracts from secrecy regulations for firms engaged in army contracts. Exhibit 69 is Document Number 269. This is a circular letter of the counter-intelligence office in Military District IX, Kassel, of 13 June 1935. It regulates trips of staff members of armament firms. Exhibit Number 70 is Document Number 270. This is also a circular letter of the Counter-Intelligence Office in Military District IX, a military agency, and it refers to information about the British Intelligence Service. May I quote from the document. "The English coordinating minister, Sir Thomas Inskip, recently stated in Parliament (according to European Review April 1937, Page 313) that an "Industrial Intelligence Committee for Observations Abroad" had been created, the purpose of which was to furnish the three branches of the English Armed Forces with secret reports on foreign industry. It can be

assumed that the German armament industry will be the main object of interest for this committee. These intentions, not only of the English, but of the entire foreign intelligence service, can only be counteracted by means of the most strict observance of the "Secrecy Regulations for Firms carrying out Wehrmacht Orders." Exhibit Number 71 will be Document Number 271. This is a circular letter of the Counter-Intelligence Office Number IX in Military District IX, of 2 November 1938. In this circular letter the lack of secrecy observed by high ranking personnel in industry is reproached and it is pointed out that these people especially had evidenced frankness when dealing with foreigners that even astonished these foreigners themselves. The last document in this group is Document Number 272, which will bear Exhibit Number 72. This is a circular decree of the Provincial Governor in Duesseldorf, of 25 October 1938, about the duty of preservation of secrecy, and prosecution according to the penal laws as announced if they are violated -- if the secrecy preservation is violated. Exhibit Number 73 will be Document 273. This is an affidavit of the manager of the Ruppertal Chamber of Industry and Commerce, Dr. Paul Rausch. He testifies that by reason of this activity he knows that now only for Farben, but also for other people, for other industrial plants also, confidential agents were engaged, for instance for the other industrial works, the stones and earths industries, the textile industry and the iron processing industry. This concludes the subject of preservation of secrecy, and we can now turn to the so-called mobilization plans. Dr. Ter Meer, as you know, the prosecution charges Farben to have been leading among the people who drafted these mobilization plans. In this field especially, Farben is supposed to have taken the initiative and thus prepared a war of aggression. Does this allegation of the prosecution correspond to the truth and why did Farben concern itself with this very extensive field of work?

A The prosecution's charge is that Farben allegedly prepared such mobilization plans for the first time on 1 July 1937. This is correct as such, but it was not done on the initiative of Farben, but rather upon the initiative of the authorities. There was a history to this story that has extended over several years. The prosecution overlooked the fact that already in 1934 so-called production investigations were made. These were investigations about the production of the entire German economy for the year 1933, and they were undertaken by the Statistical Reich Office, an authority which was part of the Reich Ministry of Economics.

Q May I ask you, was the Statistical Reich Office newly created or was it an old institution?

A It is an old institution. These investigations were undertaken at the time -- they were even compulsory at the time -- because reference was made to a certain regulation. I know that we turned against permitting these investigations of production at the time because it was something unheard of in Germany for a private industrialist to give to a government authority a list about his products in detail, and that beyond that he should give an exact description of the raw materials and ingredients used; that he should also include his personal data, statements about current that was used, electrical current, and also about the sale of products at home, abroad, and so on. All that material had to be included, and we had never experienced such a request up to that time. We turned, at the time, very emphatically against complying with this information regulation. I sent Dr. Struss, at the time, to Berlin to the Statistical Reich Office, and he talked to the chairman of his office, a Mr. Leisel, but Leisel told him that there was a regulation of 12 May 1923 about the obligation to turn over information, and that it provided for fines, monetary as well as deprivation of liberty, if anybody refused to give this information. I submitted this question to Professor Bosch at the time, who listened to it and who said, "Well, I don't want you to go to prison. You have to give the information."

There is nothing else you can do." Nevertheless, I charged Dr. Struss and also asked Dr. Hoerlein to try to get this obligation of turning over information mitigated in Berlin, and not to have to turn over the processes of contact points of our catalysts.

Q Were these contact agents of your catalysts anything that dealt with military things?

A No, they had nothing to do with military things. These are our own production questions. These contact points are materials that activate and speed up and accelerate chemical reaction but they have nothing to do with military matters. The production investigations of the Statistical Reich Office concerned the entire industry. On 9 October Dr. Struss was interrogated about this and he made the statements about this point. The Statistical Reich Office carried out these production investigations over a period of several years until finally it was at least given a different designation because Department 7, dealing with industrial production statistics from a certain moment on, was called the Reich Office for Military Economic Planning. That, of course, expressed the purpose of these production investigations quite clearly. It can be seen unequivocally from this that Farben did not take any initiative in this field.

Q What are these mobilization plans really?

A I explained the thing as follows. During the first World War we had no preparations made in the field of military economic supplies. At that time we had a very strong army as is well known. We had a strong fleet. We had cannons and guns and machine guns, but the industry which is to furnish supplies for all sorts of material was not worried about it at all. No provisions were made for supply of raw materials and since, in 1914, when the war broke out, the railways were exclusively reserved for military purposes, a large number of plants were paralyzed in their operations because of lack of coal and other fuels in a comparatively short time. There were no officers or other employees who were deferred by the Army authorities and on the first mobilization days,

since we had no more important task, most of our employees were drafted on that very day. An organization for the direction of industrial productions during wartime was created several weeks after the war had broken out by Walter Rathenau in Berlin. I remember only too well from those days, since I already mentioned I remained in the plant Verdingen. One day I was left behind with one chemical engineer and colleague, in a factory in which several acids, nitro products of aniline were produced, and the two of us could do nothing but close down several plants because the foremen and other masters were recklessly pulled out for wartime service. This negligence during the first World War probably was in the minds of our military men when, after 1933, they created a new rearmament, and probably from the very first day they thought of correcting these mistakes that had been made during the first World War, and all the more because since during a new war, if such would ever break out, material requirements would even be higher than during the first World War, since the Motorization of the Army and mechanization and the introduction of the Air Force had increased extraordinarily more than it was in 1918. The initiative for the so-called mobilization planning comprising all these fields of work, deferment of employees, furnishing of raw materials, the definition of production capacity plants, initiative was taken by the Reich Plenipotentiary for Chemistry, Dr. Ungewitter, who was at the same time the manager of the Reich Group Chemical Industry.

Q Did Dr. Ungewitter receive this mission from any other authority or how did he come to initiate this measure?

A Dr. Ungewitter certainly must have received directions from the authorities.

Q You spoke about production investigations repeatedly, mobilization plans; you talked about "Befehlungspläne". It might perhaps be interesting if you explained the difference to us between these various concepts.

A Today, after I have studied the extensive material presented by

the prosecution, and after I studied it and informed myself additionally by the plants in this entire field, I believe that I am able to make a few comments about this. In our language, production investigations were the statistical findings about production in the past that were made by the Statistical Reich Office. The *Bearungspläne* is, so to speak, the forerunner of the so-called mobilization task which the plant was then assigned in the course of these preparatory measures, as an order arising and issued by the government. The entire development of this mobilization planning can be very exactly studied from a number of documents presented by the prosecution in Book 8.

DR. BORNEHANN: Did you finish your answer?

THE PRESIDENT: I was just listening, I thought counsel was addressing the Tribunal.

DR. BORNEHANN: Yes, Dr. Hoffmann wanted to make a motion.

DR. HOFFMANN: Mr. President, I ask that the defendant Ambros be excused from attendance this afternoon because I have to discuss something in preparation of his case.

THE PRESIDENT: Very well, that request will be granted, and perhaps before you resume we had better take our recess now and you will not be interrupted in your presentation. The Tribunal will rise.

THE MARSHAL: The Tribunal is again in session.

DR. LUMBERT (Counsel for defendant Kuehne): I should like to ask for permission to have the defendant Kuehne absent from this afternoon's session in order to prepare his defense.

THE PRESIDENT: Very well. That will be granted.

DIRECT EXAMINATION (Continued)

FRITZ TER WEER, Resumed

BY DR. BORNEMANN (Counsel for defendant Ter Weer):

Q Dr. Ter Weer, before the recess we were discussing the mobilization plans. When you concluded, you were explaining to us the concepts of production investigations, mobilization plans, or production plans, and mobilization tasks.

Now, would you be good enough to tell to what extent you yourself were concerned with the questions concerning mobilization plans and production plans (Belegungs-Plaene)?

A I was interrupted by the recess and I did not quite finish my previous sentences, so I should like to answer your previous question.

Q Go ahead.

A I should like to give you a short indication of the documents in Document Book 8, submitted by the Prosecution, and thereby illustrate the character of the so-called mobilization plans.

All the exhibits which follow are excerpts from Prosecution Document Book 8. I shall first deal with Exhibit 193, NI-8690. This is a report on a conference dating back to 1937 in Vermittlungsstelle W, where Dr. Neumann gives instructions to other gentlemen. Dr. Neumann was concerned with these mobilization plans.

It is stated here, and I quote: "The products like heavy chemicals are the only ones to be produced individually. Products of a smaller nature are to be dealt with collectively." It is further quoted, "From every I.G. plant a so-called confidential agent, or any representative of such a confidential agent, is to be appointed for such tasks." We were asked by the Reich Ministry of Economics to suggest these gentlemen

for that position. The Reich Ministry of Economics was to obligate these gentlemen to maintain secrecy.

I am now passing to Exhibit 195, NI-8606, to be found in the same book. Here the difference between the so-called armament plans, which are cared for by military authorities, and the so-called vital and essential industries--and between the so-called vital and essential industries, which are cared for by the Reich Ministry of Economics. We know that the I.G. Farbenindustrie belonged to the latter-mentioned category, as it has been confirmed by several witnesses here. The plants established direct contact through their confidential agents with the departments of the Reich Ministry of Economics.

The affiant whom you previously mentioned--I think his name was Kropf--was a head of such a branch of the Ministry of Economics.

Under NI-4632, Exhibit 493, we have a circular letter to the plants of the I.G. Here it is stated that the mobilization work must be divided into two main tasks; one, the supply of the plant of the materials necessary for the mobilization tasks, including transportation means for ingoing and outgoing products, secondly, the safeguarding and maintenance of the personnel necessary to fulfill such mobilization tasks."

With reference to the proposals for the production plants, it is stated that the "current normal production is to be included in that proposal." In Exhibit 218, Exhibit NI-8601, the so-called war supply contracts are mentioned. Furthermore, the so-called production plans and mobilization tasks are mentioned. The "Belugungs Pläne" are the so-called production investigations from which we arrived at the mobilization task.

In Exhibit 220, NI-7287, we have a letter to Farben's Hoechst plant, and it is stated there that the mobilization task, "the minute it concerns your plant, assumes the character of an official order, and measures which are necessary for the production plan entailed in the mobilization task are to be taken by order of the OKW and by order of the Reich

Plenipotentiary for Chemistry. Such measures are to be taken immediately and be concluded as quickly as possible."

I mention that expressly in order to show that these so-called mobilization plans certainly did not have the character of a specific production plan for the case of war because the normal productions were included in the list, and if normal production was included, then in case of war it would merely maintain its previous level. I think that the Prosecution only sees a specific preparation for war concerning mobilization plans because they thought that the mobilization plan, in case of war, constituted a deviating production from peacetime production, specifically designed for war. As these documents from that time show very clearly, that was not generally the case, although there certainly were exceptions, to which I shall refer later.

Q In that case, let me repeat my previous question to you. To what extent were you, Dr. Ter Meer, concerned with this work which you now describe in detail?

A With respect to mobilization tasks, production plans, and mobilization plans, I was practically not concerned and I was really not informed about such work in detail. In the TEA office only the first part of such work--the production investigations through the statistical Reich office--were worked upon, and since the TEA office actually comprised my own sphere of activity I was very well-informed about that phase of work. On the other hand, the so-called production plan and mobilization plans were later handled by the Vermittlungsstelle W, in direct contact with the so-called confidential people. Since I was not a plant leader myself, such details did not concern me. The confidential people, or the liaison people, in the plants, as I mentioned before, were obligated to maintain secrecy and could not discuss such matters with me.

Q. At that time you were not obligated to maintain any secrecy?

A. I don't think that held true at the time.

Q. I think you said something to that effect before, Dr. Ter Meer. You have now given us detailed information about the production plans, about the mobilization task demanded from you by official agencies. Such explanations as you made may deviate somewhat from your previous statements. We are mainly concerned with a statement made by you in Cransberg which was submitted as Exhibit 334, NI 5187. This is to be found in book 12, Prosecution page 126, German page 107.

In that connection I am submitting from Book 3 of the ter Meer document book, a further interrogation which was held with you. We are concerned, Dr. ter Meer, with 66, which can be found on page 25 of Book 3. I am introducing that document as Exhibit 63, - ter Meer 63. This is an interrogation held by two American interrogators, Mr. Glaser and Mr. Parcell on the 25th of September, 1945. You have supplemented this interrogation by a memorandum of the 5th of October, 1945. Both of these documents were submitted by Mr. Sprecher once more on the 26th of April, 1947, and were submitted in the form of an affidavit.

In this document you made statements about the mobilization plans. In summary, I should like to ask you the following: Did you make any statements, - or do you wish to make any supplementation of the Cransberg affidavit, without relying upon the material before you?

A. Yes, I should like to explain why I gave incorrect, and partly erroneous information with respect to this matter. I have already mentioned that I had no contact at all with the actual mobilization planning, because this matter was handled between the Vermittlungstelle W, and the Liaison people in the plants.

In the camp of Cransberg I had no written material at my disposal and I was not in a position to converse with any of my associates. Therefore, I was in the unpleasant position of being asked for information

which I was unable to give accurately. In spite of that, I endeavored to state what I knew about the field at the time.

It is my impression that if one looks through both of these statements, one will find that some of my information on these matters was quite correct. In Exhibit 334, NI 5167, I have stated clearly what I.G. Farben has actually done with reference to mobilization planning. Unfortunately, I only have the English copy before me, and I shall therefore permit myself to read it in the English language.

It reads: "As presumably was done in all European countries, the German armed forces had also made the usual preparations, and for example, prepared for the exemption from military service if employees and workers indispensable in case of war. They had carried out practice blackouts, and arranged so-called war games in a number of large works, that is rehearsals of matters necessary during air attacks."

I stated with respect to documents by Mr. Schmitz where he says that the "I.G. Farben as early as 1934, had started with the preparations of mob plants," this year, incidentally, is quite wrong, it was actually the year 1937 before the mob plans started. This gives a totally wrong impression. I.G. Farben never prepared mobilization plans for itself, let alone for the whole German chemical industry. Such a plan can only be made by Central Government offices in cooperation with the armed forces." On the other hand I.G. Farben had to supply extensive information to the Reich and Armed Force Offices. It had to report on its production capacity, to examine into the possibility of converting production and to make reports and plans on the replacement of important raw materials, as well as suggestions for saving of scarce materials. It is now known to the undersigned in which way this material was used for the preparation of a mobilization plan and at what time and by whom such a plan was made."

I continue to deal with this measures for peace and I continue to describe the surprise at the beginning of the war when the plant at

Ludwigshafen had ceased to function. I believe that even the wording of my statement is not quite clear. It substantially is in accordance with the facts; what I said at the time, in view of my insufficient knowledge of the individual matters, was, in effect that the I.G. Farben did not draw up any mobilization plans. In the final analysis who is the person who draws up the mob plans? It is the man who deals with routine matters, with statistics, who knows all of the figures. It certainly would not be the person who sits in his office in Berlin.

It is my viewpoint today that in that sense my statement is 100 per cent correct, even if I did not know the form of the question of the production plans, - of the mobilization plans. In view of this insufficient knowledge my statement was often naturally, erroneous.

In order to demonstrate how this incorrect statement came about, I have submitted ---

Q. Let me just interrupt you. I am sorry. I gave you a wrong exhibit number before. I hope you will excuse me. Document 66 will receive exhibit No. 74.

THE PRESIDENT: Did you mean 74 or 64?

DR. BORNEHANN: 74, page 25.

THE PRESIDENT: Very well.

THE WITNESS: This document is an interrogation by Messrs. Glaser and Purcell, American investigators in the Cranzberg Camp in the fall of 1945. I was quite suddenly asked about an abundance of things, by a large number of the American investigators, and in view of my insufficient knowledge as to the procedure with respect to mobilization plans, my statements were not quite correct.

I shall quote once more in the English language, because this is the only text available to me, and you will find that on page 1 of this affidavit, page 25 of book 3. The question reads:

Q. When did you become acquainted with the mobilization plans for war drawn up in 1934 by the various I.G. plants?"

My reply is:

"Well, I wouldn't call that mobilization for war." This answer shows quite well that I started right away to argue about the question instead of giving the right answer, which was not at my disposal, because of this interrogation came to very unsatisfactory results; specifically with respect to this mobilization plans. I wrote out a memorandum which I handed to Messrs Glaser and Purcell several days later. This begins on page 10 of this affidavit, and here I have put in everything I knew about the situation at that time, and I have mentioned here also the preparation of production plants in cooperations with the Statistische Reichsamt, a matter to which I have referred just before.

Then I continue in a similar way than I have, and repeat it later on in affidavit 334, II 5167.

DR. BOEHMANN: May I make a brief remark with respect to procedure? The document just submitted, for Meer 66, Exhibit 74, can be found and is designated correctly in the index, but the document in the book itself is not so designated. Because of difficulties incurred whilst mimeographing these books, it was not possible to finish the books in time. It would not have been possible to finish these books in time if the Prosecution had not been kind enough to give us the stencils necessary. Naturally, it was not possible to make any notes on the stencils of the Prosecution with respect to page numbers, etc.

Dr. ter Meer, a few more brief questions with regard to the Farben MOB plans. Your name has been mentioned occasionally in connection with the Farben MOB plans. Did you at any time have anything to do with the Farben MOB plans?

A. Yes. In the meantime I have already clarified the connection with the Farben MOB plans, and I am now in a position to make some statements about it.

Q. According to Document NI 8777, Exhibit 198, Document Book of the Prosecution No. 5, English page 20, German page 20, you have once stated during a meeting of the Farben Committee, dated 23 November 1937, ideas as to matters which concern the Farben Mob plan. Can you remember that?

A. No, I cannot remember what statements I made during that particular meeting. I do assume, however, that more or less, we were concerned with suggestions made on my part as to how to proceed in one or another point with respect to this Farben Mob plan. The so-called Farben MOB Plan has the following significance: It was to be anticipated that in case of war, I. G. Farben would lose a great part of its export business, and that in addition, the indigenous need of dyestuffs would decrease because of the imported wool, etc, which would no longer arrive in Germany.

Dr. Struss, at the time, has discussed this matter with Dr.

Ungowitter, the Plenipotentiary of Chemistry, and has come to an agreement with him to set up a Mob plan for dyestuffs, in order that one may count upon a 50 per cent part of the former peacetime production, since the export, and part of the indigenous consumption would fall off.

This matter was naturally far too complicated for the authorities. I have already described as of yesterday that we produced over 2000 dyestuffs, - different kinds of dyestuffs per year, and we therefore decided to do this work in the TZA office. He assigned one of his associates, Mr. Eichwede, to deal with it.

On the occasion of this dyestuffs matter, the thought was considered that the plant at Ludwigshafen was in a particularly exposed position, because of the vicinity to the French border, and at the time it was simultaneously investigated whether the dyestuffs produced in Ludwigshafen could be taken over by the other dyestuffs factory of Hoechst, Leidenkussen and Wolfen. That was the dye-stuffs mobilization plan of Farben, or Farben Mob plans.

Q. In Exhibit NI 8777, Exhibit 198, which you have just discussed, mention is made of a certain transfer of production which you suggested. Was this the matter you mentioned about Ludwigshafen?

A. It can only have been Ludwigshafen because before the outbreak of the war, no production was ever transferred.

Q. Thank you very much. Dr. Struss, in an affidavit which I am going to submit, and which you already know about Dr. Ver Meer, has stated that he considers the institution of Mob plans as being quite ridiculous. Is that your opinion too?

A. I remember very well, that Dr. Struss at the time made a similar remark to me, that was probably also the reason why I did not illustrate that question properly in the Cransberg camp. I think that Dr. Struss meant the following:

Dr. Struss knew as well as I that the safeguarding of supplies with respect to coal, water, etc. in serious emergencies would be extremely important, and certainly not at all ridiculous. That also

applies to deferment of workers, but the manner in which the Mob plans were set up, the abundance of paper, mountains of paper which were used in that connection, 5 or 6 copies, different colors, everything was done in the most complicated manner, and all in order to maintain normal current production. There was bureaucracy and officials involved, and I think that all of this unnecessary amount of labor was described as being ridiculous by Dr. Struss. I think that is right, and he certainly would not have tolerated any such ridiculous nonsense in the TEA office.

Q. Can that explain the fact that you yourself did not deal with these matters very much?

A. No doubt.

Q. In conclusion, one more question. Do you know that the I.G. Farben on their own initiative, did some work in the field of production plans and mobilization plans, any work which was not ordered by any officials?

A. I do not know anything of that. I do not believe that I.G. Farben which had quite a lot to do in this field anyway, would have done anything beyond what they had to do, voluntarily. In my opinion that has never happened.

Q. Did you conclude from all of this work, that Germany was preparing an aggressive war?

A. In no way at all.

I have mentioned before how this so-called economic preparation came about, because of the lack of it during the First World War. It is a matter of course that one would not repeat such a mistake again. Furthermore, it is quite natural that such industrial preparations are necessary for an aggressive war as well as for a defensive war. From the mere setting up of the mobilization plans as it was done in the case of chemistry, no conclusions whatsoever could be drawn.

Q. I am now turning to two documents which have been submitted by the Prosecution. We are concerned with the two reports from the Reich

Ministry of Economics about the status of work with respect to an economic mobilization at the end of September, 1934, and the end of December, 1937. These are Prosecution Documents Exhibits 716 and 719. They can be found in Book 38, German page 124, English page 94, and in Book 39, German page 18, English page 19. Have you got these documents before you?

A. No, I am afraid not.

(Documents handed to witness)

Q. We are concerned with two very extensive documents which in detail explain the status of the economic mobilization plans at the end of 1934 and at the end of 1937. The Prosecution maintains that these reports emanated from Schacht. Can you tell me anything about that?

A. As I am just seeing now, one of these reports bears no signature at all. The second has a signature, Wohltat.

Q. Who was he?

A. Wohltat was an official in the Reich Ministry of Economics. So far as I know he was the one who dealt with economic planning about which we were speaking before, but I really do not know him.

Q. Can you tell me whether this report bears any notations as to secrecy?

A. Yes, one report is, "Top Secret", and the later report is, "Top Military Secret."

Q. Can you tell me how many copies of these reports were available?

A. 716 was written in 10 copies, and 719, - there is no notation on 719.

Q. I don't find it either. Is that a "top secret" matter?

A. Yes.

Q. Dr. ter Meer, under these circumstances do you think it's possible that these two documents at any time came to the knowledge of the I.G. Farben or one of their members of the Vorstand before they saw it here during the trial?

A. I think it's entirely out of the question. I have read these reports and Document Books of the Prosecution with great interest because these reports gave me great information about the events which occurred at the time and about measures which were ordered but, of course, then I didn't know what authorities had ordered them, especially the report of September 1934 which shows exactly what was being planned and what was being executed at the time. For instance, the appointment of the statistical office where they were charged with statistical investigations, the appointment of the Reich Plenipotentiary, the creation of the branch offices of the Reich Ministry of Economics at the various governmental levels and various other organizational measures which were at that time already ordered and channeled by the Reich Ministry of Economics.

Q. Which you, however, did not know as an existing plan?

A. No, I didn't.

Q. When dealing with mobilization plans you occasionally talked about war supply contracts and about processing contracts. Can you give us any statements about that?

A. Yes. War supplies were ordered which were given and were to go into effect at the moment war broke out. One such order, for instance, is cited in Prosecution Document Exhibit No. 211, M-6876, Book 8, page 54 in the German. Smoke-screen agents are to be delivered from the Hoechst plant. I have tried to find out from the plants now how the matter was with respect to these war supply orders. I didn't succeed unfortunately and I must conclude therefore, that the amount of such war supply orders cannot have been very large. As far as the processing orders are concerned the same case is true. I tried to find out from the plants what orders of that type were given. I couldn't get any definite informa-

tion and I, therefore, used Exhibit 110 of the Prosecution in Book 33 and NI-6144, which is the only processing order of which I know in the year of 1942, I believe, when a contract was concluded with the plant of Hoechst about processing work. This concerned something which if is true was already started in 1935. They are concerned with the preliminary product for hexogen. The procedure with respect to processing orders was such that the military authorities didn't have a lot of chemical experts at their disposal. In so far as they had some they were active in very limited fields. For instance, powder and ammunition production. It was therefore obvious that military authorities would turn toward the chemical industry when they wanted a certain problem solved; the solution of any such problem which naturally had a great deal of expenses for industry led then as a consequence to a contract with respect to the development and processing of the problem. We are here concerned with one such instance but I have not been in a position to find traces of any more of such contracts. I only remember one case when a chemical man at Hoechts told me that Hoechst had to carry out certain research work on flare ammunition. Whether that was actually one such development order, I don't know. All these matters had to be kept secret at the time and I therefore cannot really make any definite statement about them. I do assume, however, that before the war there couldn't have existed many of such orders.

Q. If I understood you correctly you stated that war supply contracts are not known to you now with the exception of the one which has been submitted by the Prosecution. Let me point out to you that when we are at Leverkusen we found out that three of such war supply contract had existed. We shall submit a document about that later but with that limitation I think your answer was correct, Dr. ter Meer. Again and again you have pointed with respect to matters now discussed, that the authorities by constant directive questions and regulations interfered with the private economic task of I.G. Farben and that, therefore, a great deal of contact with state agencies resulted. We have heard much about

Vermittlungsstelle-W here and I think you can be rather brief about this subject but in summary will you please once more state how, in your opinion, the Vermittlungsstelle-W was founded and what your participation therein was?

THE PRESIDENT: Counsel, it occurred to us that it's been pretty thoroughly covered and will you please ask the defendant to limit his answer to adding anything that has been embraced in his previous answer?

Q. You understand that, Dr. ter Meer?

A. Yes. I only have one thing to say with respect to Vermittlungsstelle-W. I must explain why Exhibit 335, NI-5187, Book 12, an erroneous statement is made. This matter was already stated by Dr. von Knieriem when he was examined. We, in concert, were not clear about it, what procedure was decisive, whether the procedure of Vermittlungsstelle-W was decisive with respect to the registration of patents abroad and with respect to know-how to be licensed and then we also had the suggestion of Prof. Krauch to use the Vermittlungsstelle-W which he had formerly used in Berlin for his own purposes, to place them also at the disposal of Sparte II and Sparte III in order to establish contact with the governmental authorities. I do know and I know at the time that Dr. Krauch asked me about this matter on the occasion of the meeting at Frankfort and I know that Dr. Krauch asked me to send one of my gentlemen there in order to represent Sparte II. I did that as becomes apparent from the document of the Prosecution. I sent a circular to the plants of my Sparte II. The only thing about which we were not clear in concert was the period involved as to the decisive date as to the foundations of the Vermittlungsstelle-W or was it the law with respect to high-treason. That's why in the affidavit the wrong date is mentioned of the foundation. In the same way as a result of my insufficient knowledge about my organization plans such matters are not illustrated sufficiently.

Q. Well, you have told us about that before. I don't think

we need go into that again. You said just now that you sent Dr. von Bruening to Berlin to represent Sparte II. Will you tell us please who Dr. von Bruening was?

A. Dr. von Bruening was a chemical man in the Hoechst plant. He was a son of one of the former owners. It was formerly called Meister Lucius und Bruening and he had a reputation as an efficient technical and chemical expert. I really wanted to train Dr. von Bruening for a more important and greater field of tasks later and it was my habit to entrust these gentlemen with some specific task. I would take them into the TEA office for a year or I would send them into another plant giving them a specific job to do. When the question of Vermittlungsstelle-W came up I sent Herr von Bruening to Berlin in order to have him handle that job. That would acquaint him and bring him into contact with a number of matters with which he could never come in contact with in the plant of Hoechst; questions of patents, future contracts, production, statistics, etc. He contacted official governmental agencies in the plants, etc. and that could only be of use for a young man. He was after relieved by Dr. Gorr who testified here as a witness.

Q. The appointment of Dr. Bruening did not mean the particular significance of Vermittlungsstelle-W and was not intended to emphasize it?

A. No.

Q. Did you participate personally in the work of Vermittlungsstelle-W?

A. No, I didn't concern myself with it at all. Dr. Struss has already testified that he knew exactly that. For the first time I entered the Vermittlungsstelle-W after the outbreak of the war and that's what I remember myself.

THE PRESIDENT: Counsel, we shall recess for noon.

(A recess was taken)

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AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

DR. VON METZLER: Mr. President, the defendant Gajewski has instructed me to ask the Court whether he may be excused from attending the sessions on Friday and Monday for the purpose of preparing his defense.

THE PRESIDENT: That request will be granted.

May I say in that connection that the Tribunal sees sound reasons for the absence of defendants from time to time in the preparation of their books. We are inclined to rely upon the judgment of their counsel in those matters and certainly would do that in the absence of some evidence of abuse, and no abuse has been noticed. We think it is a reasonable excuse but we ask that you do not unnecessarily request the absence of your clients. If you feel that it is necessary and it is at all within reason, your request will be granted.

Your request is granted, Dr. von Metzler.

DR. VON METZLER: Much obliged, Mr. President.

DR. FLAEBCHNER: Mr. President, I have the same request to make for my client Buetefisch, whom I ask to be excused tomorrow and Monday. I am still somewhat behind with the preparation of my defense and I have to get down to my work.

THE PRESIDENT: Very well. That request will likewise be granted. You may proceed.

FRIEDRICH TER MEER - Resumed

DIRECT EXAMINATION - Continued

BY DR. BORNEHANN:

Q. Before the recess, you spoke about Vermittlungsstelle-W. I have only a few more very brief questions regarding this point.

From your testimony so far, Dr. Ter Meer, I gained the impression that the prosecution overestimated and did not understand the significance of Vermittlungsstelle W. Is that correct?

A. Yes, that is absolutely my opinion, also.

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Q. In the case of Vermittlungsstelle-W, was that really only a central agency regulating business transactions of Farben with the authorities?

A. Yes. It was a customary arrangement with Farben. It arose because of the large number of our plants, where in all events, we had to take coordinated measures and, just as I stated this morning, in the case of air raid precaution measures, I asked Mr. Jaehne to take over this central direction for all plants. In the same manner here, where there were numerous authorities on the one hand and numerous plants on the other, it was easily possible that misunderstandings and errors might have arisen and, therefore, it was a necessity to have this agency for order and coordination. This Vermittlungsstelle, mediating agency, had some representatives here as witnesses who worked as collaborators and as associates in the offices and whose acquaintance we made here in the court room. It was certainly not a directing agency of Farben (Leitungsstelle)

Q. Does this testimony not conflict somewhat with the document which the prosecution presented in its Document Book #8, Document NI 6889 which is Exhibit 219. This is an affidavit of the former expert with the Vermittlungsstelle-W, by the name of Dr. Neumann. On page 5 of his affidavit he states, and I quote: "It is the task of Vermittlungsstelle-W, in cooperation with the authorities of Farben competent therefor, to investigate the intended production plans as to their practicability, to see to it that all production plans are distributed over the various plants and all mobilization orders and war delivery contracts are kept on the books for balance purposes." You understood the question, Dr. Tor Meier?

A. Yes.

Q. I did not give the proper exhibit number to this document.

MR. SPRECHER: Mr. President, there's some mistake. Exhibit 219 is NI-8889 which is at page 70 of the English document book 8 and page 86 of the German, and that is a letter of one Hirschel concerning mobilization

so it is not the Neumann affidavit.

BY DR. BORNEHANN:

Q. Perhaps I can give you the correct number at a later date. But the statement of Dr. Neumann is, of course, correct so that Mr. Ter Meer can make statements about that declaration.

A. I just see that this statement is to be found on page 90 in the same document, but it's only in the German that I have found it.

Q. That's correct. It is not an affidavit of Neumann but these are directives.

A. These are directives that I already touched upon this morning. They were issued by Vermittlungsstelle-W and signed by Mr. Neumann and the sentence quoted by you is in there. I mean, the sentence clarifies what I stated previously. It was the task of Vermittlungsstelle-W, in cooperation with the Farben agencies, and these might be the sub-commissions which were also used and consulted for distributing the production plans to check the practicability and to register all these war delivery contracts for the individual plants. I believe that is a corroboration for my point of view.

Q. Did you consider Vermittlungsstelle-W as a means for an aggressive war?

A. No.

DR. BORNEMANN: This answers all questions in regard to this point and I now begin presenting the documents to be found in my Book 2. These are Ter Meer documents 274 to 282.

THE PRESIDENT: Now, counsel, may I suggest on behalf of the Tribunal that the defendant has testified quite fully in a connected way with reference to his understanding of the facts involved in the feature of the case inquired about, and has commented liberally with respect to the prosecution's affidavits and it is our judgment that the presentation of these documents, which we assume corroborate his story or are calculated to corroborate his statements, should not call for any extended presentation on your part. They may be submitted with very brief or without comment.

DR. BORNEMANN: Yes, Mr. President.

First, I shall submit three documents which are to show how the authorities or representatives of the state touched these judged and described matters. Document #274 will be marked as Exhibit #75. It is an affidavit of Diplom Ing. Kropf, the former head of the Reich Ministry of Economics Field Office in Kassel. Document 275 is Exhibit #76, the order to furnish information of the 13th of July 1923. This is the regulation mentioned already by Dr. Ter Meer which was the legal basis for the production investigations that were carried out. The next document, #376, Exhibit #77, is an affidavit of the former Ministerialrat in the Reich Ministry of Economics, Dr. Walter Lenz. I shall only quote one sentence from this document on page 87: "Upon instructions from the Reich Ministry of Economics, the supervisory offices and, at a later time, the Reich offices began in approximately 1937 to compile assignment schedules for the establishments within their competence. It is not correct that the compilation of assignment schedules was an invention of I. G. Farben industry." Since I described in these documents how the state authorities

judged these matters, I shall now, in the following documents, prove how these matters were considered by the employees of Farben. For this purpose I ask that Documents 277 through 281 be accepted into evidence. These are five affidavits of former employees of I. G. Farben. The first document, 277, will be Exhibit #78. It's an affidavit of a gentleman from Leverkusen who carried out work there for the production investigations. He points in particular to the fact, on pages 91 and following, that the I. G. Farben representatives always tried to protect the work's peace production interests by assessing production which served mainly peaceful purposes as high as possible. 278 will become Exhibit #79. It is an affidavit of Dr. Karl Dobmaier, also a member of the Directorate Department of I. G. Leverkusen. He confirms that when the operation plans were worked out, in order to simplify matters, the figures used as a basis were those which had been established by the Reich Office of Statistics for the production year of 1936. Document 279 will bear Exhibit #80. This is an affidavit of Dr. Lochr, the former deputy manager of the TEA Buro, which deals in particular with mobilization plans for dye-stuffs. The next document, 280, will be given Exhibit 81. It is about the handling of the so-called mobilization questions in the Farben plants of Ludwigshafen. It is sworn to by a prokurist of Ludwigshafen, Dr. Hans Mehnert. Dr. Mehnert emphasizes in particular that he always regarded the entire work in the mobilization field merely as preparatory work for a defensive war that might be forced upon Germany. The last document in this group is an affidavit of Dr. Ernst August Struss who is well known here. He emphasizes that the preparation of the so-called mobilization plan was undertaken under the chairmanship of Dr. Ungewitter and with the cooperation of the Reich Ministry of Economics, Dr. Lenz, and the Reich War Ministry, Dr. Mureck, and without any cooperation on the part of Dr. Ter Meer. In this affidavit one can find Dr. Struss' statement that was already discussed before the recess and in regard to which Dr. Ter Meer made certain statements. May I quote this remark once more? "I regarded the mobilization plan as an entirely ridiculous arrangement

which was nothing else but confirmation of the existing production capacities of the works." This document #281 will bear Exhibit #82. Document #282 will be Exhibit #83. This is an affidavit of Emil Kuster, an employee in the Directorate Department of I. G. Farben-Leverkusen plant. Kuster states in this affidavit that he knew of only very few war delivery contracts for the plant of Leverkusen. If he remembered correctly, he states, not more than three contracts, at the most, had been involved. Mr. Kuster was Dr. Warnecke's associate, who was the confidential agent of the Reich Ministry of Economics for the plant in Leverkusen. In the course of his work, therefore, Kuster had to learn of any such war delivery contracts if they were made, in addition to those that he already mentioned. This concludes all documents contained in Book 2.

I can now begin presenting the documents in Book 10. I shall be able to present these documents very quickly. The last documents from Document Book #2 were intended to show how production investigations and mobilization tasks were requested. Book 10 is merely to give a few examples of this production investigation that was carried on and to illustrate what extensive work was connected for industry with these investigations so that it can prove that industry only unwillingly undertook this task. Book 10 comprises four documents. These are Ter Meer Documents 402, 403, 404 and 405, inclusive. May I offer them as Exhibit #84 in the case of Document 402. Document 403 will be Exhibit 85. 404 will become 86. 405 will become Exhibit #87. Each of these four documents has as a preamble: "Data are being collected solely for industrial purposes, in order to obtain information on the position of the various branches of industry and on their importance for German economy." Then the duty of compliance with this request is again pointed out. This concludes presentation of Document Book 10.

. Now comes Document Book II. It contains for the most part correspondence carried on between the Statistical Reich Office and I. G. Farben about the question of production investigation and mobilization plans.

Document 406, which is the initial document in this book, will receive Exhibit No. 88. It is a letter from the Reich Statistical Office of June 9, 1934, in which it is stated that "By order of the Reich Ministry for Economics, the Reich Statistical Office will prepare a comprehensive statistical inquiry into production for the year 1933."

The next document, No. 407, will bear Exhibit No. 89. It is a circular letter of the President of the Reich Statistical Office of July 9, 1934. It contains detailed directions about production investigations. It seems superfluous to make any statement commenting about this document.

Documents 408 and 409 will bear Exhibit Nos. 90 and 91 respectively. They are letters from the TEA Office of November 6, 1934, and a report of the Office of the Technical Committee of November 14, 1934 respectively. Both documents deal with the execution of the measures of production investigation ordered by the previous documents, Nos. 88 and 89.

The letter of the Reich Statistical Office of 11 December 1934 is document 410, page 2 of the index, and will bear Exhibit No. 92, and will be so offered by me. It refers to production inquiry into the cement industry for the calendar year 1933. The thoroughness of this work of the Statistical Reich Office is to be shown by this letter.

Document No. 411 will bear Exhibit No. 93. It is a circular letter from the Reichsfachschaft, the Reich Association for the Pharmaceutical Industry, of February 14, 1935. It shows that individual firms were in doubt whether they were obligated to surrender information for this production inquiry, and that, as a result, the Reich Professional Association again expressly pointed out that the obligation existed for rendering this information.

There are three further letters. These are Documents Exhibits No.

12, 13 and 14. They will bear respectively Exhibit Nos. 94, 95 and 96. From this correspondence it can be seen that Farben was very reluctant and resisted very much in participating in this work. And especially Document 413, which is Exhibit 95, shows that the president of the Reich Statistical Office threatened Farben with reporting their attitude to the Reich Ministry of Economics unless they explained their attitude immediately and satisfactorily. It is superfluous to deal with this correspondence any further.

Document 415, which is Exhibit 97, is another circular letter of the President of the Reich Statistical Office, dated January 1936. This letter ordered production inquiries for the year 1936.

Document 416 will bear Exhibit No. 98. It is to be joined to the Documents 94 through 96, and it shows that also in 1937, Farben clung to their negative statements expressed by them on May 9, 1935 and on 25 March 1935. This negative attitude of Farben caused the Expert in the Statistical Reich Office in charge of the Chemical Industrial investigations in 1936, by the name of Dr. Vogel, to send on the 28 July 1937 to Dr. Eichwede, the corresponding officer of Farben, a letter of a more private nature, in which Dr. Vogel attempted to eliminate "an indisputable mutual disharmony, the results of which are quite injurious to the entire project." I submit this letter in the form of Document 417, and it will be given Exhibit No. 99.

Document 418, Exhibit No. 100, is the answer of Dr. Eichwede to this letter of Dr. Vogel. Dr. Eichwede emphasized in connection therewith, and I quote: "The enormous scope of the questions asked in the questionnaire and also the large number of counter-questions on the one hand, and the interests of the Reich Statistical Office and industry which are frequently at odds on the other hand, indicate that certain differences of opinion on the necessity and expediency of the questions asked do exist and will also continue to exist."

Document No. 419, which is Exhibit No. 101, is a letter of the Office of the Technical Committee, together with a copy of the letter from

the Reich Office for Economic Planning. Dr. Ter Meer already referred to this letter today, when he stated that the Statistical Reich Office made its Department VII in 1938 independent and that the latter was named was "Reich Office for Military Economic Planning." This was an open designation which was not in any way kept secret.

The next two documents, Document No. 420 and 421, will bear exhibit numbers 102 and 103 respectively, and belong together. They are to show that not only Berlin authorities, but also provincial agencies bothered private industry with such inquiries, as can be seen by the reply to this particular inquiry.

In Exhibit No. 102 and its reply Exhibit No. 103, Farben points out that the Vermittlungsstelle-W was the Central negotiating agency for such questions.

Document No. 422 will bear Exhibit No. 104. It shows again that statistical production inquiries are used as a basis for drawing up mobilization plans.

Then follows Document No. 423, Exhibit No. 105; Document No. 424, Exhibit No. 106; Document No. 425, Exhibit No. 107, which show the concern with the dyestuffs mobilization plan, and are to illustrate the statements made by Dr. Ter Meer about this particular point.

Document 426 will be Exhibit No. 108. It is submitted to show that the supervising agency chemistry repeatedly urged Farben for speeding up their work.

Document No. 427, Exhibit No. 109, is the letter which accompanied the mobilization plan to Leverkusen.

The last document in this book finally, is Document No. 428, which bears Exhibit No. 110. From this it again can be seen that the mobilization task had the character of an order from the authorities...

This concludes all the documents in regard to mobilization planning. No further questions on this point.

Now, the question arises, before any further documents are presented and before any further examination can take place, whether the Court

has Document Book IV before it in English. I do not know that. At the recess it was not yet available.

THE PRESIDENT: The Tribunal has a note from the Language Department that this book IV in English will be distributed by 3 o'clock this afternoon. That is about 30 minutes away. What about your remaining documents in this Book I and Book III, could you spend sometime in getting them in evidence in the meantime?

DR. BERNDT: Mr. President, the documents from Books I and III are submitted with the exception of a very few documents which refer to Dr. Ter Meer's activity in Italy. I had the intention of offering them when I examined him about the Italian question.

THE PRESIDENT: Could you do that now, Doctor?

DR. BERNDT: It was my intention to treat the Italian question together with Count II of the indictment.

THE PRESIDENT: Have you anything to suggest as to how you may consume profitably the next 30 minutes? 3 O'clock will be our time for recess and we shall be out of the room for 15 or 20 minutes anyway, and that will give that much more lee-way to take care of the commitment that we have that Book IV will be here by 3 o'clock, so perhaps we can be assured of Book IV after the recess. If you can consume the next 30 minutes on some angle of your presentation. I think we will be able to get by the day. Have you anything further you can do during the next 30 minutes here?

DR. BERNDT: May I suggest, Mr. President, my colleague Dr. von Rospatt is now ready to submit to the Tribunal those books which have not yet been submitted on behalf of his client Dr. Kreuch.

THE PRESIDENT: Very well. We will have to send for the books. Can you state what books we need so we can send a memo to our office?

DR. BERNDT: Kreuch books VI, VII and VIII, Mr. President?

THE PRESIDENT: Stand by just a few moments until the Prosecution and the Tribunal has an opportunity to bring in its books.

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Dr. Ter Meer you may remain sitting in the witness box or you may return to your accustomed seat, as you please.

THE WITNESS TER MEER: This chair is better.

THE PRESIDENT: Very well. You may stay where you are, then.

DR. von ROSPATT: (for the defendant Professor Krauch) Mr. President, the last exhibit offered in case VI is document 37, Exhibit No. 124. In connection with Count IV, the next documents now deal with the attitude of Professor Krauch towards science that was doubted by the Prosecution, his attitude towards science, members of science, Jews and half Jews and political persecutees. May I be permitted to remind the Tribunal in this connection of the fact that Professor Krauch, because of reticence which is understandable when one knows his character, has asked me not to examine him about these things at the time, so that he himself would not have to declare to what extent he intervened personally for these people because, after all, it is a matter which corresponds to his sense of duty towards humanity. It serves to expedite the trial if I can sum up the facts arising from the documents and then offer the documents with a brief reference.

In his intervention with regard to Jews and half Jews Professor Krauch undertook, by using his positions as Plenipotentiary General for Chemistry and Provisional chief of the Reich Office for Economic Development, and his intervention consisted in the fact that Dr. Krauch caused these unfortunate people to receive other positions abroad, where they were able to earn a living in a dignified manner. That was the sort of indirect assistance he offered. On the other hand, he intervened directly for racial persecutees against the Gestapo and other authorities of the State and along the same line Dr. Krauch intervened in regard to those scientists not acceptable to or suspected by party authorities. His protective measures consisted in direct intervention with party agencies and indirectly by the fact that he camouflaged as war essential certain scientific work which was, in reality, devoted to quite general scientific research. Further in this framework of evidence we are going to show what a tremendously large assistance Dr. Krauch granted to science in general.

Documents finally will prove that this intervention of Dr. Krauch, in many cases, endangered politically his own person, and although Dr. Krauch knew this, he nevertheless undertook this assistance. I shall now

turn to the documents individually.

Document No. 47 and No. 80 show Dr. Krauch's general attitude for the fact that he did not regard the engagement of racially persecuted Jews as objectionable.

Document #47 will be Exhibit #125.

Document 80 will be Exhibit No. 26. The latter document shows Dr. Krauch' active interest in having Jewish associates transferred abroad.

THE PRESIDENT: Pardon me, counsel, let's get straight on these numbers. This Document 80 is Exhibit No. 126?

DR. von ROSEFATT: No. 126.

THE PRESIDENT: Did you offer 47?

DR. von ROSEFATT: Document No. 47 is Exhibit No. 125.

Document 56 will be Exhibit No. 127. It lies along the same line. Document No. 69 treats the so-called case Leuchs, which is an intervention for Leuchs' Jewish wife against the Gestapo. In order to understand this document one must know that in the course of the War the Gestapo also took action against those non-Jews who had Jewish relatives, the "Juedisch Versippt" as it was called in the Nazi ideology. Those married to Jews and those who were closely related to Jews. This deals with the Leuchs case, and others who were called "Juedisch Versippt" and were to be deported to so-called correction camps of the OT. This is Exhibit No. 128.

Krauch Document #52 deals with a similar case in the person of Dr. Eggert now living in Switzerland. It is offered as Exhibit No. 129. Document No. 49 corroborates the exchange of Dr. Carl Mueller of Farben with Dr. Hasenclever in New York. This refers to Exhibit No. 130.

Document No. 105 shows how Professor Krauch rescued the Jewish wife of Dr. Arnold Suhr during the occupation of Holland by German troops. This is to be given Exhibit No. 131.

Document Krauch No. 46 will be offered as Exhibit No. 132. This shows Dr. Krauch's general attitude towards Jews and half Jews.

Document No. 59 again shows a specific case of Dr. Albert Ernst, when

Dr. Krauch rescued his son who was half Jewish from arrest by the Gestapo.
This will be Exhibit No. 133.

Document No. 154 refers to the case of WEINBERG treated during my direct examination of Dr. Krauch, and the additional examination of Dr. Dix. It is interesting because Dr. Giorlichs, who worked on this case, also stated that Dr. Krauch, in an unequivocal and clear way, intervened for the liberation of Weinberg, who had been arrested. I ask that Document No. 54 be accepted as Exhibit No. 134.

I now turn to Books VII and VIII, Mr. President.

THE PRESIDENT: Just a moment, Doctor. That concludes the presentation of the documents contained in Kraus Book VI?

DR. von ROSPATT: Yes, Your Honor. The first document in Book VII, Document Book VII, is Document No. 57 and Document No. 3, which are intended to show Dr. Krauch was not subject to the generally spread prejudice against persons of different political beliefs and that he continued to engage those persons who were persecuted by the Nazi Regime. Both of these persons mentioned in these two documents were connected with the revolt against Hitler of the 20th July 1944. One of these persons was shown in the film shown by the Prosecution. Document No. 57 will be Exhibit No. 135, and Document No. 3 will be Exhibit No. 136.

The next four documents, 60, 106, 52 and 102, corroborate Professor Krauch's attitude towards the Church which was in sharp opposition to the officially proclaimed policy of the Party. It shows that Professor Krauch declared himself in favor of the Church quite openly without regard to the danger connected therewith. Document 60 will be Exhibit 137, Document 106 will be Exhibit 138, Document 52 will be Exhibit 139, and Document 102 will be Exhibit 140. Document Number 107 corroborates Professor Krauch's statement that he refused to accept invitations from Hitler's Circle of Friends. It will be offered as Exhibit number 141. The next three documents, 5, 7, and 64, corroborate Professor Krauch's statements about his attitude towards science -- for a science free from Party doctrines, his endeavors to make large monetary funds available to science and also for those scientists who had not sworn allegiance to the Party. Document Number 4 will be offered as Exhibit number 142, Document Number ---

THE PRESIDENT: You mean Document Number 5.

DR. VON ROSPATT: Document 5 is Exhibit Number 143, Document 7 is Exhibit 143 and Document 64 is Exhibit Number 144. Documents 88, 89, and 92 the next three documents, show Professor Krauch's correctness of his description of his international collaboration with Standard Oil, Dupont and I.C.I. Number 88 will be offered as Exhibit Number 145, Number 89 will be Exhibit 146 and 92 will become Exhibit 147. The next six documents again refer back to Professor Krauch's relationship to science and to the free not hindered by politics research. From these documents it can be seen that the most significant scientists made statements about Krauch's activity, and that they are very grateful for this protection which he furnished to them and science in general. The most spontaneous and warm statement is Walter Ostwald's statement, document #6 the son of the internationally known Nobel Prize winner, the German-American exchange student, Geheimrat Wilhelm Ostwald. I offer these documents Number 35 as Exhibit Number 148, Number 70 as Exhibit Number 149, Number 6 as Exhibit Number 150, Document 20 as Exhibit 151, Document 33 as Exhibit 152, Document 45 as Exhibit 153, Document 85 as Exhibit Number 154, Document 83 as Exhibit 155, Document 31 as Exhibit

156, Document Number 26 as Exhibit 157, and Document Number 78 as Exhibit 158. This concludes the presentation of documents contained in Document Book 7. I now turn to Document Book Number 8. Document Book 8 contains a number of documents collected for various points of my presentation of evidence. I ask your indulgence therefore, if they are not presented in such unity as I tried to keep the uniformity in the case of Books 1 through 7. Document 110 shows Professor Krauch's interference and that of higher officials in Farben against the Gestapo. This includes Dr. Goldbert also. It is especially emphasized that he did so without regard to any danger to his own person. I ask that Document Number 110 be accepted as Exhibit Number 159. The next document, 111, is Exhibit Number 160. It deals with the question treated by the prosecution that employees of Professor Krauch's office were still paid by Farben although they were no longer working for Farben. The document shows how this fact can be explained from the so-called drafting for labor service for these employees. The contents of Document 112 have already been treated by Dr. Krauch in his direct examination at the end of Count III of the prosecution. However, he only did so superficially only. But this document deals with it very much in detail. Dr. Andrusow, a Russian scientist, describes Krauch's help for thousands of Russian workers, Russian prisoners of war, Russian scientists and engineers. The document is very long, but not because it has a lot of verbose stories in it, but because it deals with a large field. The extent of the document can be explained by the fact that Dr. Andrusow received many votes of thanks and letters of recognition from the circle of persons that he had to care for and that he added them to his statement. I offer this affidavit as Exhibit Number 161. Document Number 113 belongs to the question regarding poison gas. It shows that work on poison gas discovered in 1933 in Oppau was not continued any further. I ask that this document be accepted as Exhibit Number 162. Documents 114 and 115 deal with Count III of the indictment. Document 114 shows that foreign workers who had broken their contracts were not persecuted. Document Number 115 shows the lack of initiative for the reemployment of concentration camp inmates in Auschwitz, 114 is

163, 115 is 164. Document Number shows the protection which Professor Krauch offered to Dr. Paul Heisel, the half-Jewish professor. It is Document 116 and Exhibit 165. Document 117 deals with the Goering decree of 18 February 1941, Exhibit number 1417 of the prosecution, and it serves to corroborate the lack of initiative which Professor Krauch claims about the employment of concentration camp inmates in Auschwitz. It will be Exhibit Krauch 166. Document 118 is the last document in Book 8, which shows Professor Krauch's practical attitude towards chemical warfare agents, that he had a negative attitude and it shows that Professor Krauch acted on his ideas by carrying them into action. I offer this Document 118 as Exhibit Number 167. We still have to offer book number 9, Mr. President, which we do not have ready yet. We ask that we be permitted to do this later.

THE PRESIDENT: Thank you very much for that very expeditious presentation of those documents. The Tribunal has another assurance from the language division that Dr. Ter Meer's Book 4 will be available by three o'clock. We shall recess at this time, hoping that the book will be here by the time we reconvene. The Tribunal will now rise.

THE MARSHAL: The Tribunal is again in session.

DR. BORNEMANN (Counsel for defendant Ter Meer): Mr. President, Ter Meer book 4 in the meantime has been distributed in the courtroom. I assume that the Tribunal is in possession of that book.

I shall now start with the submission of document books 4 and 5. As one of the Prosecution's main pillars to support their thesis that the defendants planned an aggressive war, they have named the development of synthetic rubber, Buna, and the erection of the Buna plants at Schkopau and Huels. In order to refute these assertions, I should like to submit Document Books 4 and 5. Both these volumes comprise 87 documents and they are to prove two main matters. First, they are to prove that I.G. Farben, when developing Buna production, was motivated by purely private economic, completely non-belligerent considerations and intentions. Secondly, that the acceleration of the construction of the plants Schkopau and Huels was due to governmental influence which, indeed, the I.G. could not evade and from which no belligerent intentions on the part of the I.G. or on the part of the members of the Vorstand present here can be deduced.

After these introductory remarks, let me begin with the submission of documents in Document Book 4, Ter Meer Document Book 4. As the first document I submit Exhibit No. 111, which is an excerpt from the report -- you will find that on page 1 of the document book -- and excerpt from a lecture which one of the closest associates of Dr. Ter Meer held on the field of buna. It is given by Dr. Konrad and the lecture dates back to 1938. It was held in Rome on an international chemical congress. The lecture deals with the developments of rubber synthesis in Germany.

In the introductory words it states that a large number of countries concerned themselves with the technical synthesis for "rubber-like" products. Furthermore, it is laid down that if chemistry "succeeds to produce elastic and highly graded plastics by way of synthesis then these products will succeed," in spite of the cheap natural rubber. This statement is substantiated especially with reference to the motor car industry, which is an

important factor for the maintenance and production of economy.

A number of technical explanations are given in that lecture which Dr. Ter Meer may perhaps mention later, during his examination, and I can leave these matters to him.

On page 7 of the document book, in the summary, Dr. Konrad states in the year 1938: "In view of the increasing importance of Synthetic rubber as raw material in the economic and national life of all peoples, the technical Caoutchouc synthesis is being dealt with today in many countries." He furthermore states that the economic aspect of this synthesis becomes promising if high quality products can be produced. It is intended to show with the following documents —

THE PRESIDENT: Pardon me, counsel, just that our record may be complete; I do not think you enumerated the number of the document.

DR. BORNEMANN: Document 171, your Honor, and Exhibit 111.

THE PRESIDENT: Thank you.

DR. BORNEMANN: The following group of documents are intended to demonstrate the various reasons which led to the construction of the Buna plants in Germany. In Document 172, as Exhibit 112, there follow a number of ordinances and laws from the year 1933 which were promulgated at the time in order to do away with unemployment. You can find this document on page 9 of the book. I refer you to page 12, to the ordinance of the Reich President concerning promotion of agriculture. This document should be stricken because it does not belong in these groups. We see from the other laws that considerable sums were spent by the Reich at the time in order to eliminate unemployment, by promoting work projects of all sorts.

The next document, Exhibit 113, Document No. 173, contains an excerpt from the law with respect to the enterprise Reich Motor Highways (Reichsautobahnen.) The Reich Motor Highway was one of the principal ideas of Hitler for the motorization of Germany. The law of the 27th of June, 1933, page 16 of the document book, shows that the Reichsautobahnen were public highways and were intended for the public traffic with motor vehicles. The next document is an affidavit by Keppler, engineer Keppler. This is

Ter Meer No. 174, Exhibit 114. In the year 1934, Dr. Keppler became a special representative in order to procure German raw materials and synthetic. The reasons which led to this assignment of his are discussed by Keppler in this document as follows:

"This commission was brought about by the ever-increasing shortage of raw materials, which on the one hand was due to the increased consumption resulting from the revival of the economy, and on the other hand to the dwindling of foreign currency. I wish to emphasize expressly that when I was given this commission, there was no question at all of procuring raw materials for military armament. The establishment of new factories was desired for the purpose of eliminating unemployment."

Keppler then continues to point out that in the autumn of 1934 he heard of progress made with respect to the processing of Buna. He took this opportunity of contacting Dr. Ter Meer in order to discuss the question of constructing a Buna plant. We now come to Document 175, Exhibit 115, on page 20 of the document book. These are excerpts from a memorandum originating from the High Command of the Army in the fall of 1938. It treats the collaboration of the Wehrmacht in developing and testing synthetic rubber. This memorandum has already been utilized by the Prosecution in order to submit a few excerpts from it to the Tribunal. These are found in Exhibit 562, NI-7492, Book 29 of the Prosecution, English page 4, German page 23.

In Document Book Ter Meer 4 we have chosen other passages from this memorandum which we would like to submit in supplementation of the Prosecution's submission. In these excerpts which are now being submitted it is demonstrated that not only military political reasons were decisive for the interest which was shown in synthetic rubber since the year 1933, but it is shown that as a result of the international sales crisis, the German exports since the year 1930 "have constantly decreased, whereas the consumption of Germany foreign of materials constantly increased." As a consequence of the revival of the domestic market and as a consequence of the ever increasing consumption at home because of the decrease in unemployment, the raw material consumption of Germany was increased considerably in the years following 1933.

The decrease of exports and the increase of imports led to a passive trade budget which, in turn, increased the German debts and obligations abroad, and of course also decreased the amount of currency available at the Reichsbank.

In view of the limited raw materials in Germany, measures had to be taken to prevent dangers with which German economy was confronted in view of the scarcity of raw materials. Directives were issued therefore to meet that situation. These directives came into effect with respect to the rubber situation in Germany as follows.

The rationing of rubber was handed over to a civilian agency. This supervisory agency for rubber, in the year 1934, started measures to interest a number of firms in the production of tires and synthetic rubber so that this new German raw material would be used as soon as possible.

All these statements I made are contained in the document just submitted. Two other documents follow under the numbers 176 and 177, which bear Exhibit Nos. 116 and 117. These are excerpts from two German newspapers -- the Koelnische Zeitung of February 16, 1938, and the Deutsche Allgemeine Zeitung of 2 August, 1938 -- both of which concerned themselves with the creation of the Deutscher Volkswagen. The Volkswagen was a project in which Hitler was especially interested. His aim was to achieve a yearly production of one and a half million motor cars.

The next document, your Honor, Document 178, which I am offering as Exhibit 118, will be an affidavit by the previously mentioned Dr. Erich Konrad. Dr. Konrad calculated in this affidavit the raw rubber demand which would result from the execution of the Volkswagen project. On page 30 he says, in the last sentence, "Thus it is apparent that the

Volkswagen alone would have needed sixty-five to seventy thousand tons of Buna." This would have been the yearly demand.

The next document No. 179 with the Exhibit No. 119, was already submitted by Prof. Krauch's counsel as Krauch Exhibit 2, Document No. 4, and for purposes of completeness it is included here once more. It shows the increase in the number of motor cars from 1932 up to 1938.

The two following documents -- 180 and 181 -- are to show the possibilities of the application of Buna in another field, the field of footwear. We mark them as Exhibit No. 120 for Document 180 and 121 for Document 181.

Document 180 is an affidavit of one of the largest German leather industrialists, Richard Freudenberg, of Weinheim. Mr. Freudenberg explains in detail that in 1936 he had plans with respect to footwear and that he wanted to use Buna. He needed about twelve to fifteen thousand tons per year for that purpose. He points out that his intention of using Buna for such purposes was quite independent of the foreign policy and armament policy of the Third Reich at the time, and it was only done to strengthen Germany's commercial position. Freudenberg shows that at the time these plans were developed the "Wehrmacht" only needed five per cent of the leather for their own purposes which they took from the leather industry, and that the German "Wehrmacht" agencies not only did not understand the necessities for raw materials for that purpose, but they even made it more difficult for the industry.

On page 36 Mr. Freudenberg says that these questions were already discussed with Dr. Ter Meer in 1936 and that he suggested that Farben create the necessary prerequisites for a German increase of production by the use of Buna for purposes of the shoe industry.

Document 181, which I have already submitted as Exhibit 121, shows that in 1938 Mr. Freudenberg visited a Farben plant to discuss this question.

Document 182, Exhibit 122, is a letter by Dr. Struss directed

to Dr. Ter Meer with the date of 13 April, 1938. He reports about favorable results when trying out Buna on motor vehicles.

Document 189, Exhibit 123, is an affidavit of Dr. Hans Lopinski, of the Wirtschaftsverband of the German rubber industry, with respect to the German rubber use in the years 1935 to 1938. The rubber use in the year 1938 is estimated as 133,498 tons.

Document 184, Exhibit 124, is an affidavit by Dr. Struss with respect to Buna production since 1935.

Document 185, Exhibit 125, contains an affidavit by Mr. Borgwarth, who since the year of 1931, was in charge of the sales department of Farben which had to sell synthetic rubber and rubber byo-products.

Dr. Borgwarth in his affidavit states the sales price of the various Buna products.

Document 186, Exhibit No. 126, is an affidavit by Dr. Struss, and it contains a list about the entire expenses for research in the Buna field from the years 1927 through 1938.

There follow now a number of other documents which concern themselves with the development of synthetic rubber in the years since 1926. At first we have two affidavits, one by Dr. Konrad, the head of the Rubber Central Laboratory at Leverkusen. These are documents 187 and 188, which will receive Exhibit No. 127 for 187 and 128 for 188.

Dr. Ter Meer will discuss these documents later, and it is not necessary for purposes of saving of time, to do that now.

As Document No. 189, there follows an affidavit of the former head of the Financial Department of the Office for German Raw Materials and Plastics, Dr. Kurt Lange, with respect to the contractual and finance negotiations with respect to the construction of the Schkopau plant. This will become Exhibit 129.

In the last paragraph of 67, Lage points out that "military points of view have never been discussed at the negotiations which he presided over; so far as the purpose of the plant was discussed at all only the problem of the shortage of foreign currency, and the employment program were decisive. The establishment of Buna plants appear to be urgent in view of the well-known motorization which the Government strongly encouraged, for instance by the Volkswagen factory."

The next document, 190, Exhibit No. 130, is an affidavit by the member of the Vorstand of the Deutsche Revisions und Treuhand, Gesellschaft, Dr. Ernst Hellmut Vits and it also deals with the contractual negotiations

between the Reich and Farben concerning the construction of the plant at Schkopau. Mr. Vits participated in these negotiations. He expresses himself about them as follows: This is page 69 of the document:

"In these negotiations which lasted a very long time because it was extremely difficult to reach an agreement, I had the impression that Dr. Ter Meer wanted to keep strictly to the principle of private economy."

On the same page, further down, it is stated:

"Because I was present at most of these negotiations, I am able to confirm that the agreement had nothing to do with armament or similar matters. I do not think that any connection of the new plant with armament economy was ever mentioned at all. Anyway, as far as I am concerned, I always supposed that the Buna plant was to be set up to save foreign exchange, which was imperative.

Finally I am able to confirm that I had the impression that there was a certain tension between the Reich authorities and Dr. Ter Meer because Dr. Ter Meer could not be dissuaded from his ideas."

We now come to Document 191 which I am offering as Exhibit 131. This is an affidavit by Dr. Struss in which he confirms and reproduces a letter which he sent on the 15th of November, 1935, to Mr. Keppler. Keppler inquired with Farben whether in the production of synthetic rubber there were waste gases and the Prosecution had occasion to assume, as the result of this inquiry, that probably we are here concerned with the production of war gases, - chemical warfare agents.

Through Document 191, this suspicion on the part of the Prosecution is to be refuted. I refer you to Page 73 of the Document book, last sentence of the letter of Dr. Struss. "As to your last question we have to say that no waste gas becomes available in the production of synthetic rubber."

Document 192, Exhibit 132, is a letter by Dr. Ter Meer directed to Keppler. It concerns the construction of the Buna plant. I think that

Ter Meer will later refer to this letter once more.

Then I follow with a number of documents in this volume, Documents 193 up to 196. They deal with the negotiations between I.G. Farben and the authorities. I am introducing them as follows:

Document 193 will be Exhibit 133;

Document 194 will be Exhibit 134;

Document 195 will be Exhibit 135;

Document 196 will be Exhibit 136.

This concludes Volume 4, and all of the documents in that volume are now before the Tribunal.

As I was already permitted to state, Document Book 5, Ter Meer, is in connection with Document Book 4, I therefore intend to present the documents in this volume at the present time. The documents which are submitted under the following numbers immediately follow our last mentioned document.

Document 197 will receive Exhibit No. 137. These are the minutes of the Conference of the 2nd of October, 1936, with the Raw Material and Foreign Exchange staff concerning the effects of the Four Year Plan on Rubber Production and the products connected therewith.

On page 1 of that document, page 1 of the Document Book, it is pointed out that the further discussions with the authorities are to start from the assumption that the Buna program had found its final at 3 times 24 thousand tons per year. This indication was made by the president, - a gentleman of the Raw Material and Plastic Staff.

With respect to this desire of the authorities, Dr. Ter Meer has pointed out that the danger with respect to such a large scale planning after the experiments made so far, is too considerable and hardly be justified.

We now come to Document 198, which will receive Exhibit Number 138. This is a letter of the Office for German Raw Materials and Plastics, to

I.G. Farben, dated the 5th of November, 1936, and concerns the contract drafts which were then drawn up with respect to the construction of the Schkopau-Buna factory.

Document 199 is submitted as Exhibit 139. It is a file note of Dr. Struss dated the 8th of December, 1936, and we can see from it that at the time the Fuehrer himself demanded the construction of a second Buna factory.

Document 200, Exhibit 140, is a letter by the I.G. Farben directed to the Office for German Raw and Synthetic Materials, dated the 9th of December, 1936. It refers to the increase of the production at Schkopau.

Document No. 201, Exhibit 141, is a file note with respect to a discussion in the Office of Raw Materials and Plastics of the 4th of December, 1936, and shows the private economic attitude of Farben with respect to the questions involved in connection with the construction of the Buna plants. The question has arisen with respect to alleviation of taxes.

For that reason, my next number, 202, will be given exhibit No. 142. This is an excerpt from the law with respect to tax alleviation of the 15th of July 1933. I should only like to point to one part of this excerpt on page 13, under 2. It is stated there that tax exemption may be granted to enterprises established before the 20th of July 1933, if they undergo a change in their operation in the manner that alongside or in place of the previous production, they develop new manufacturing processes or take up production of an altogether new product. In this case the change may consist of a conversion or extension of the operation.

In the case of Buna products, we were concerned with a new manufacturing process in an old firm.

Document 203 will be Exhibit 143. This is a letter of Dr. Tor Hoer directed to the office for German Raw and Synthetic Material, dated the 17th of December, 1936 and concerns the levying of a duty on imported natural rubber.

In connection with this letter there is Document 204, Exhibit 144. This is a note of the TEA office with respect to the duty on imported natural rubber.

Document No. 205, Exhibit 145, is once more a letter from the Office for German Raw and Synthetic Material to Farben, dated the 5th of January, 1937. In this letter it is pointed out that Hitler, up to January 1938, wanted production plants with a capacity of 3000 tons of Buna per month.

Document No. 206, Exhibit 146, is a letter of the Reich Ministry of Finance, directed to the I. G. Farben, dated the 21st of January, 1937. It refers to tax exemption or tax relief. It is in connection with Exhibit 142, Document 202.

Document 207, Exhibit 147, is a letter by the I.G. Farben to the Office for the German Raw and Synthetic Material, dated the 23rd of February, 1937, and concerns the transmittal of drafts of agreements and also expenditures for experimental work on Buna.

Document 208 will receive Exhibit Number 148. This is a letter from the Office for German Raw and Synthetic Materials to Farben, dated the 25th of February 1937, and concerns itself with the most expedient way of using Buna in the rubber industry.

Document 209, I offer as Exhibit 149. This again is a letter from the Office for German Raw and Synthetic Materials directed to Farben, dated the 13th of April, 1937. It contains a guarantee of the economic and financial interests of the Bunawerke, G.m.b.H.

The following three documents, 210, 211 and 212, show that I.G. Farben at that time had a vital interest in a firm contract basis, since up to that time the Reich authorities had only urged the extension of Buna plants without having created a firm contractual basis for any of these measures. Therefore I am offering these three documents as Exhibit 150 for Document 210; Exhibit 151 for Document 211 and Exhibit 152 for Document 212.

Document 213, I am offering as Exhibit 153. It is a note from

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the Central Accounting Office of the I.G. Farben dated 21 October, 1939. It concerns the beginning of the guaranteed price with respect to Schkopau.

Documents 214 and 215 follow, two letters from the Office for German Raw materials, dated the 13th of April, 1937, which will receive Exhibit numbers 154 and 155.

Document 216 is a letter from Reich-Group Industry, to Farben, dated the 18th of June, 1937. This will be Exhibit 156; this letter is concerned with the further expansion of Buna plants in which, however, Farben did not wish to participate.

Document 217 is offered as Exhibit 157. This is a letter from Farben directed to the Reich Ministry of Economics dated the 16th of March 1940, and concerns the revocation of the Schkopau contract of the year of 1937, and its substitution by a mere loan contract.

The next document, Document 218, which is being offered as Exhibit 158, is a file note of Dr. Struss about the costs of the Buna Plant, Schkopau.

As Document 219, we have a letter of the Reich Ministry of Economics of the 12th of June, 1940, which will bear Exhibit No. 159.

The following documents, 220 up to 226, can be summarized underneath one concept. They are to show that the development of the Buna Plants was a matter which was treated quite publicly, and where a certain amount of publicity was demanded. No secrecy whatsoever was connected with that project.

In order to prove that, we are submitting at first Document 220, with exhibit No. 160. This is an excerpt from the newspaper "Der Voelkische Beobachter" dated the 23rd of February 1936. This excerpt contains an article with respect to the exhibition of Buna material at the International Automobile and Motorcycle Exhibits in Berlin in 1936. In this article it is stated initially, on page 49 of the document book that "I.G. Farbenindustrie is taking advantage of the International Automobile and Motorcycle Exhibition, Berlin,

1936, to inform the public about their achievements so far in the field of synthetic rubber production. For this the exhibition offers a particularly good opportunity, as the modern motor vehicle is today, with its tires, the main rubber consumer."

Document 221 will receive Exhibit No. 161. This is a copy of the Trade Register entry of the Buna Plant, Schkopau, at the local Court of Merseburg. Under column 3 the entry is, "Object of the undertaking is the manufacture and distribution of synthetic rubber Buna."

Document 222 will be Exhibit 162. It is an excerpt from the "Frankfurter Zeitung" of 14 May, 1937. It concerns the duty on rubber or caoutchouc which was started on the 13th of May, 1937.

Document 223, Exhibit 163, is an excerpt from the "Deutsche Bergwerkszeitung" of the 5th of July, 1938 and concerns the Chemische Werke Huels, G.m.b.H., which at that time was a new enterprise.

Document No. 224 will become Exhibit 164. It is an excerpt from the paper "Die Chemische Industrie" of February, 1939. The article is entitled, "Buna Tires for All Private Cars". In this essay it is stated how in view of the enormous need of tires to be expected in the future, the introduction of the Buna will come into effect.

On Page 55, it is stated and I quote: "From the point of view of raw material the change over of the private car section to Buna will work out perhaps like this, a quarter of the previous German rubber requirements which in recent years reached approximately 100,000 will be replaced by Buna."

I quote from the last page:

"Efforts to bring the price of synthetic rubber more and more into line with that of natural rubber go hand in hand with the extension of industrial mass production".

Document 225, Exhibit 165, is again an excerpt from the "Frankfurter Zeitung" of the 6th of May, 1939. It is entitled, "Buna Works in Full Swing".

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At that time the editors which were associated in the Technical and Literary Association, paid a visit to the Buna plant which was erected in Schlopau near Halle, and a report is made on that meeting in this publication.

The last document belonging to this group will be Document 226, which bears Exhibit No. 166. This is an excerpt from the "Berlin Weekly" of the 19th of May, 1939, and is entitled, "A Visit to Buna Factory".

A number of other documents follow. The next will be a letter of Dr. ter Meer's addressed to Dr. Kuchne, dated 18 January 1937. This is Document No. 227 and will be received as Exhibit 167. Dr. Ter Meer will probably refer to this letter later. The next document will be 228 which will be Exhibit 168, an excerpt from the secret report of the OKW, Economic and Armament Office "Wirve". This report applies to the rubber situation during the war and originates from the year 1941. The report will receive Exhibit No. 168. The entire report has already been submitted by the Prosecution as its Exhibit 97, NI-6194. It's found in Book 29 of the Prosecution, English page 76, German page 128. We only submit a few excerpts from this report since they seem to be important in this connection.

The next will be Document 229 which I am offering as Exhibit 169. This is an affidavit from Gerd Mayer about the geographical location of the Buna Plant Hoechst; with respect to this exhibit I shall give you some maps because I don't think you have them available now. In view of the difficulties concerning the mimeographing, these copies were limited to just a few. As the last document with respect to the complex I am offering in conclusion three documents 230, 231 and 232. They will be Exhibits 170, 171 and 172. The Documents 230 and 231 belong together. In the case of Exhibit 170 we are concerned with an excerpt from an American magazine and Exhibit 171 is an excerpt from an English paper. These two publications are intended to show that in those countries, the United States and Great Britain, the development of synthetic rubber had been of great interest. Document 232, Exhibit 172, since it arrived late has been added at the end of the volume although according to its content it should belong to another place. It's an affidavit of Dr. Karl Gullff with respect to the utilization of the production capacity of the Buna plant Schkopau. This brings me to the end of my submission of all documents in Document Book 5. I now intend to continue with the examination of Dr. ter Meer with respect

to the complex of questions Buna of Germany.

BY DR. BORNEHANN:

Q Dr. ter Meer, when submitting these documents we have had occasion to hear the names Dr. Konrad and Dr. Ambros. It might, therefore, be helpful if before we start with the factual description of Buna's development you would describe your relationship to these two gentlemen and that you would describe their field of activity within the Buna complex.

A Dr. Ambros and Dr. Konrad were my closest personal associates in the execution of the rubber synthesis in Germany. Dr. Ambros is known as a chemical and technical expert and Dr. Konrad is also a chemical expert with an absolute specialization in the problems of synthetic rubber and particularly in view of the development of rubber as it is processed in rubber factories. Dr. Ambros I probably met for the first time in 1941. At that time he read a paper in the TGA, about a journey in 1931 to Sumatra and Java where he was active for a number of months on a big rubber plantation. It was the additional purpose of this journey to afford Dr. Ambros an insight into the production situation of natural rubber and that he may also give us certain information as to the price to be calculated for natural rubber in view of the plantation costs. This was in connection with the intensification of our experimental work concerning rubber ever since 1926.

Q Dr. ter Meer, it has been pointed out to me that you said that you knew Dr. Ambros since 1941. No doubt it must be a mistake.

A It should be 1931.

Q I see. Would you be good enough to state how the development of Buna in Germany started?

A You interrupted me. Let me finish your question. In the early 30's Dr. Ambros came into closer contact with me because I intended

at that time to use him in Sparte II for the special field of organic chemistry such as dyestuffs, intermediate products and other organic products in order that at a later date he would take over this field from me. At the time I have permitted Dr. Ambros to work in many plants of Farben for quite some time, I think more than a year and he therefore trained himself in a number of specific fields which up to that time had been alien to him in Ludwigshafen and Schkopau. Then in 1935 the question of rubber synthesis in Germany became acute I asked him to take over this particular field of work. I asked him to do that in his capacity as leading chemical expert and head of the construction of the Buna Plant. Of course, not in the sense of an engineer but I wanted to use him because of his chemical experience and the application thereof on a large scale. For that reason Dr. Ambros and I were in very close business connections. In addition there was also a certain social connection. Dr. Ambros, as the younger technical expert was planning the entire construction of this factory with me but on the whole I left it up to his own discretion. My activity predominately consisted of negotiations with various authorities and private industry consuming rubber. Later I shall refer to a number of these contractual negotiations in order to illustrate the private economic aspects which we tried to preserve up to the last moment and which we actually did preserve to a great extent. The collaboration with Dr. Ambros in rubber even continued when Dr. Ambros in 1938 became a member of the Vorstand. As I explained before we continued to collaborate with the same division of work which after the outbreak of the war led to the construction of the Buna factory at Ludwigshafen and later on of the Buna Plant at Auschwitz. My collaboration with Dr. Konrad concerned mostly the development of the new substance Buna and the contact with consumers, who, in view of the difficulties of developing that product were very difficult to win over for the use of said substance.

Q How did the rubber synthesis develop in Germany?

A It is known that one of the predecessor firms of Farben, Bayer in Elberfeld, started work on Buna and many years up to the first World War had already achieved considerable results in the processing of the substance. Let me point out that in Great Britain, too, synthetic rubber was being worked on and also to a certain extent in France, Belgium and Russia. This was the time when the rubber processing industry only had the Brazilian rubber at their disposal and one was anxious that a scarcity may come about since it wasn't known yet how rich the plantations in Malaya and Ceylon would be. I shall not go further into that development. During the first World War it led to an experimental production of synthetic rubber which, however, was only suitable for hard rubber and which was halted after the war. Then in 1926 as already mentioned, we started the experiments once more after Farben was merged and continued it up to the time of the crises involving considerable expense. In order to show all this I have submitted a document which dates back to that time. I am referring to the paper which Dr. Konrad read in 1933 at the International Chemical Congress in Rome where those matters were also discussed. Naturally, I have left out the purely technical chemical matters from this lecture and I shall only refer to these matters when it is only of the utmost interest for the understanding of the economic situation.

Q You said that the experiments were restricted when the economic crisis started or that they were stopped entirely. Did I understand you correctly?

A The experiments were never stopped. They were only carried on in a somewhat more modest way during the years of the crisis. Let me refer to page 48 in Book 4 where the millions expended for purposes of experiments are stated for the years 1928 to 1929. Then there were smaller expenses in the years of the main crisis but starting from the

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years 1935 we started a greater expenditure which went up to millions.

THE PRESIDENT: I think, counsel that we should better recess.
Before the Tribunal rises let me remind you that the session tomorrow
will be in Courtroom 2 on the second floor immediately under this room.
The Tribunal is now in recess until 9:30 tomorrow morning.

(A recess was taken until 0930, 13 February 1947.)

CERTIFICATE OF COMMISSIONER

I, JAMES G. MULROY, AGO #B-397399, hereby certify that I am a duly appointed, qualified and acting Commissioner, to take the testimony of witnesses under Order of Tribunal No. 6, in the case of United States of America vs Krauch et al; that pursuant to said Order, upon the dates hereinafter listed, I have supervised the taking of testimony of witnesses examined before me, and said testimony has heretofore been properly recorded, reported and filed in the Office of the Secretary General and now constitutes a part of the official transcript of proceedings in the above case; and the dates of such examinations, names of witnesses and pages of the said official transcript are as follows:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
¹² 12 December, 1947	Paul H. Haeni	4577-4595
15 December, 1947	Karl Wolff	4596-4657
15 December, 1947	Gustav Schlotterer	" "
17 December, 1947	Kurt Krugger	4692-4710
9 January, 1948	Adolf Hoehle	4946-5024
9 January, 1948	Willi Dagne	" "
9 January, 1948	Karl Amend	" "
17 January, 1948	Alfred Zaun	5470-5512
17 January, 1948	Perry Broad	" "
6 February, 1948	Josef Joham	6826-6881
→ 7 February, 1948	Franz Rottenberg	6957-6979
26 February, 1948	Noack Treister	7696-7732
27-28 February, 1948	Rene Balandier	7925-7963
16 March, 1948	Fritz Goernert	9288-9305
16-17 March, 1948	Gerhard Ritter	9305-9358
17 March, 1948	Heinrich Van Beek	9359-9376
18 March, 1948	Dr. Charles Bendel	9584-9616b

I further certify that the aforesaid transcript pages comprise a full, true and correct report of said proceedings, testimony and evidence heard and recorded at proceedings before said Commissioner.

Dated at Nurnberg, Germany, March 31, 1948.

JAMES G. MULROY
Commissioner of Tribunal No. 6

James G. Mulroy

Official Transcript of Hearing before a Commission for Military Tribunal VI, Case VI, in the matter of the United States of America against Karl Krauch, et al, defendants, sitting at Vienna, Austria, on 7 February 1948, at 0930 hours, Commissioner James G. Mulroy, presiding.

THE MARSHAL: The Commission is again in session.

THE COMMISSIONER: Be seated, please.

WITNESS FRANZ ROTTENBERG: Mr. Commissioner, I would like to say a few words because yesterday we were suddenly interrupted and I still wanted to explain something. May I?

THE COMMISSIONER: You may.

WITNESS FRANZ ROTTENBERG: When we were interrupted yesterday I still had to say a few words on the question of the minority, and therefore I would like to elaborate a little further, because what I said yesterday doesn't cover the whole thing.

THE COMMISSIONER: Wait a minute now. Is this satisfactory to you? You are conducting a cross examination, Dr.

DR. VON LETZIER: No, Mr. Commissioner. I am going to ask the witness some questions in regard to this subject, so I will be grateful if I am permitted to put these questions.

THE COMMISSIONER: Please explain to the witness that an opportunity will be given him to enlarge on his testimony if he desires to do so.

WITNESS FRANZ ROTTENBERG: I think it will expedite the proceedings.

THE COMMISSIONER: We will have him examined in due course.

Before we go any further, for the record, I wish it noted that Mr. Max Wagner, the present interpreter in this hearing, is acting and has been acting as representative of the Secretary General's Office at Nurnberg for the purpose only of marking for identification or receiving in evidence any exhibits produced at this hearing and offered in evidence.

Has the Prosecution anything to suggest this morning?

MR. HERTMAN: No, sir.

Official Transcript of Hearing before a Commission
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Has the Prosecution anything to suggest this morning?

MR. NEWMAN: No, sir.

THE COMMISSIONER: Before we proceed with the examination, do any of the Defense Counsel wish to bring anything to the attention of the Commissioner?

DR. BOETTCHER: No, sir.

THE COMMISSIONER: Dr. von Metzler, you may resume your examination of the witness now.

CROSS EXAMINATION (continued)

FRANZ ROTHEBERG

BY DR. VON METZLER (for Haefliger):

Q. Before the close of the proceedings last night I submitted to you some correspondence going on between Skoda-Wetzler and I. C. Farben, among which there was a letter signed by Direktor Pollak forwarding copies of that correspondence to you. May I ask you, Professor, whether or not you still remember this correspondence?

A. No, certainly not.

DR. VON METZLER: May I be permitted to show once more these letters to the witness, because he just told me he doesn't quite remember the contents.

THE COMMISSIONER: Is the document you are about to show the witness — has that been marked for identification?

DR. VON METZLER: Mr. Commissioner, I have shown these exhibits — These are exhibits submitted by the Prosecution to the witness yesterday already.

THE COMMISSIONER: They are documents that have already been submitted here before, is that correct?

DR. VON METZLER: Yes, Mr. Commissioner.

THE COMMISSIONER: Oh, I didn't understand.

DR. VON METZLER: Just in order to repeat for the record, these are Prosecution Documents 1060, 1061, 1063, all found in Document Book 52, pages 30, 32, 37, respectively, of the English text.

Q. May I ask you, Professor, to look them over once again?

THE COMMISSIONER: He may examine them.

DR. VON METZLER: Yes. I am sorry I didn't ask you.

THE COMMISSIONER: He may examine them.

A. Yes, now I remember this.

Q. May I ask a question to you, Professor? I ask you, Professor, in view of this correspondence, do you still maintain what you stated in your affidavit that immediately before the Anschluss neither Creditanstalt, nor Pollak, who supposedly agreed with you were not prepared even to part with the minority of the shares of Skoda-Wetzler.

A. You would have saved your question if you had given me an opportunity to talk at once.

Q. You have your chance now.

THE COMMISSIONER: The witness may answer the question.

A. As I stated already yesterday, it is not easily possible during court proceedings to explain commercial matters in a way easily comprehensible to everyone, so that people can know at once what it is all about. As I said yesterday, 87.4 percent of the shares of Skoda-Wetzler was the stock held by the Creditanstalt. That, forms, was 100%. Well, that means 12 percent of the shares were held by outsiders who had a rather firm hold on them. That means, if we had relinquished a so-called minority of 49 percent it would be natural and I can prove this at once because just mere accident one of Counsels present here knows the persons involved himself — Now, it would have been child's play if this so-called 49 percent minority had been sold, to obtain an absolute majority. Because 49 of 87, combined with closely held shares would at once result in a majority.

MR. NEWMAN: Mr. Commissioner, there is some confusion there, and, if you allow, I would like to have the German reporter to read the text again so that we can translate it again.

THE COMMISSIONER: I am sorry. I didn't hear you so well and you will have to repeat that.

MR. NEWMAN: There was some mistake in the translation which is confusing with what the witness said, and, if you agree, I would like to

have it re-read from the German transcript so that it can be translated on that basis.

THE COMMISSIONER: I would like to have that done.

A. If a so-called 49 percent minority had been sold, it would have been natural -- and I am ready to prove it at once, because by mere accident one of the Defense Counsels present knows one of the persons involved, and very exactly -- Now, if a so-called 49 percent minority had been sold, it would have been like child's play, in view of the existing 87 percent we held, for this person to require an absolute majority, because 49 percent of 87 percent, combined with 12 percent closely held shares, at once results in a majority.

THE COMMISSIONER: Is that all? Now, just a moment. I want to say something about this to the witness. To the witness -- In view of the difficulties of translation, it would be more effective if the witness would give short period of testimony and then wait and let the interpreter translate, and then he will be able to get all of your testimony in and there will be no chance of making an error.

Q. Witness, may I interrupt you once more. We are here before an American court and the established proceedings are that questions will be directed to you

which you have to answer briefly and concisely. Now, I ask you to do so and give your explanations afterward. May I therefore ask you once again to answer my question and give your explanation thereafter.

Professor: Now, in view of that correspondence, Professor, do you still want to maintain as you maintain that neither the Creditanstalt nor Direktor Pollak had the intention immediately before the Anschluss even to part with a minority of this stock? Please, will you answer this question with a simply "yes" or "no"?

A May I reply? Unfortunately, you make it impossible for me to approach the core of the matter, because yesterday we were interrupted. The Creditanstalt, as you know, is a bank and they never had any objections, whatever corporation may have been involved, to see a substantial minority of stock if it was reasonable from an economic point of view. Of course, 49 percent was no minority then.

Q Just a minute, Professor. I didn't speak of 49 percent when I addressed my question to you. I only spoke of a minority. Give the interpreter a chance. Professor, I would like to expedite the trial because I am sure you will agree with me that neither you nor I would like to sit here on Monday. Now, once again I would like to put to you a passage taken from a letter which Direktor Pollak directed to I. G. Farben on the 5th of January 1948. I quote: "For reasons over which we have no control, it is not possible for us to depart from our standpoint that it is absolutely essential for the Creditanstalt to keep 51 percent of the shares, in its strict control. On principle, however, we are prepared to give you in the form of an agreement those guarantees which you would be justified in claiming for the protection of your industrial interests. We have, for the rest, still the firm intention to settle the affair in the way explained here to you by General Direktor Johan and by myself." End of quote. Please wait a minute. Witness, do you still want to maintain the fact of this passage read to you that Creditanstalt and Herr Pollak were never prepared to

relinquish a minority of the shares to Farben?

A I never said that.

Q Then I can leave this subject. Let me start on another subject now. Do you know the firm Anilin-Chemie A.G.?

A Yes.

Q Who was the owner of Anilin-Chemie A.G. in 1938?

MR. NEWMAN: I object. I object to this question. I don't see any connection with the affidavit.

THE COMMISSIONER: The objection is purely academical as the witness has answered. There is no use to pass an objection.

DR. VON METZLER: The witness has answered.

MR. NEWMAN: I didn't hear the answer.

WITNESS FRANZ ROTTERBERG: May I reply to this question?
I didn't reply.

THE COMMISSIONER: I understood the witness had answered it.

Just a moment, gentlemen. Now, there is an objection to the last previous question. And the basis of your objection is what, Mr. Newman?

MR. NEWMAN: It is beyond the scope of the affidavit.

THE COMMISSIONER: What have you to say?

DR. VON METZLER: Mr. Commissioner, I have put the same question yesterday to the witness Johan and, as far as I remember, the Prosecutor objected to this question and the objection was overruled. I put the question because the Anilin-Chemie A.G. was a firm which was in close connection with the negotiations between I.G. and Skoda-Metzler, Creditanstalt regarding the transfer of the shares of Skoda-Metzler before 1938.

THE COMMISSIONER: I am going to let him answer it.

By Dr. Von Metzler:

WITNESS: I don't know exactly who was in Anilin-Chemie A.G.;
I only know that a very intimate relationship existed between
Both and Pollak.

Q Who was Mr. Roth?

A Roth was Anilin-Chemie A.G.

Q What was his position there?

A I can only tell you that he was much more than Pollak was because Pollak couldn't have turned a dime without me. Pollak was a chemist but he was no business man.

Q Pardon me, Witness, for interrupting you. My question was: Which position did Mr. Roth hold in the Anilin-Chemie A.G? Was he manager or a salesman or what?

A Roth was, as I think, the first man within the firm. There was a very intimate relationship between Roth and Schiller and therefore all these people -- Pollak, Schiller, Roth -- continually visited each other, but this is outside the scope of what we are discussing here.

Q How do you know that it is outside the scope?

MR. JEWMAN: May I again ask, Mr. Commissioner, to which part of the affidavit all these questions refer. I would also like to know that if the question was really admitted -- if the basis was Johan's affidavit, why today we have to deal with the affidavit of Dr. Rottenberg.

Dr. Von Metzler: Mr. Commissioner --

THE COMMISSIONER: Just a moment. It isn't clear to me exactly how this line of questions fits into Mr. Rottenberg's affidavit. Will you, for the purpose of the record, show what part of the affidavit your questions refer to?

DR. VON METZLER: Mr. Commissioner, Mr. Rottenberg is dealing in his affidavit, under number 2, with certain negotiations which took place in the year 1936. That is the 6th paragraph, page 1.

THE COMMISSIONER: I have it.

DR. VON METZLER: Now, the Anilin-Chemie, Mr. Roth, Mr. Pollak, played an important role during these negotiations, and therefore I am interested to know, to clear up the situation and to put to the witness

questions with regard to the part which Mr. Roth and Anilin-Chemie played in these negotiations.

THE COMMISSIONER: And, Dr. von Metzler, along that line you wish to question this witness as to other documents than the affidavit that we have now under inquiry. We are concerned with W1-10996?

DR. VON METZLER: Yes.

THE COMMISSIONER: And now you wish to go into material contained in another document?

DR. VON METZLER: Yes, sir. Mr. Commissioner, may I add something to my answer?

THE COMMISSIONER: Yes, you may.

DR. VON METZLER: If it is necessary, I myself or my colleague will put to the witness certain documents in order to refresh his memory, but, first of all, I propose to try to have a clear answer from this witness without putting to him any documents.

THE COMMISSIONER: Yes, Dr. Nath.

DR. NATH: May I? To support my colleague I refer to the following: Here it says? "With I.G. Farben we established contact". We have to clarify during cross examination which agency of I.G. Farben was concerned, especially keeping in mind that here in Vienna Anilin-Chemie A.G. was the representative of I.G. Farben. Therefore, I beg you to admit the question about the Anilin-Chemie in Vienna since it is in connection with our line of questioning.

THE COMMISSIONER: Yes, Dr. Newman.

MR. NEWMAN: I still feel we could save and could have saved valuable time if Defense Counsel would ask directly, "Do you know in this connection of any discussion between Anilin-Chemie and Pollak?"

DR. NATH: Mr. Commissioner, I think very valuable time is wasted by the objections of the Prosecution which, unfortunately, are not to the point and certainly by the answers of the witness which, unfortunately, are not responsive with either "Yes" or "No".

THE COMMISSIONER: Counsel full well realizes that this witness is quite willing to testify to all he knows, and it is sometimes difficult to keep him within the rules of procedure. That is besides the immediate question, however. It is extremely desirable here that all the evidence which should properly be admitted be included in the record, and for that reason I think that we have had considerable testimony that may not have been properly admissible. Now, as to this matter, you desire the witness, Dr. von Metzler, to testify in regard to another document which has already been admitted in evidence?

DR. VON METZLER: Yes sir.

THE COMMISSIONER: That document speaks for itself. If you wish to elicit testimony from this witness in regard to it, the proper procedure, I think would be to have him examine it and then ask him the questions appropriate to the matter of how it relates to this.

DR. VON METZLER: Mr. Commissioner, I have put to the witness one question which he has not answered. May I repeat this question for the record once more?

THE COMMISSIONER: Is that the question that all this argument is about.

DR. VON METZLER: Yes.

THE COMMISSIONER: Please repeat it.

BY DR. VON METZLER:

Q. Professor Rottenberg, you spoke of the close relationship and friendship of Messrs. Roth, Pollak, and Schiller and you testified that these gentlemen were in constant contact with one another.

A. I did not say "constant".

Q. All right. Furthermore, you added that the discussions and

conversations of these gentlemen took place outside the scope of the case we are dealing with right now. Is that correct?

A. The answer you want to elicit is either "yes" or "no".

Q. Yes.

A. Certainly I can do that. Whether this is a practicable way, you will experience yourself. My answer, therefore, is "no". This was outside the discussion.

Q. Then I would like to come to the question which I asked before and which was the cause of the Prosecution's objection.

THE COMMISSIONER: Now, the witness will not answer this until the matter of whether or not it will be admitted into the record will be answered.

BY MR. VON HETZLER:

Q. Now, witness, I ask you from which source do you know that the negotiations of these gentlemen were outside the scope of the case which is before this Tribunal?

THE COMMISSIONER: I think you will have to answer it. Let him answer.

THE WITNESS: Dr., according to your instruction I have to answer with either "yes" or "no", but this I can't answer with either "yes" or "no".

THE COMMISSIONER: The witness may answer it in the way that seems best to him, observing the wish that he make it brief.

THE WITNESS: Well, however, I am too well known as a lawyer that I submit myself to be rebuked. Now, you can realize how good the impression was. Those gentlemen, Pollek, Roth and Schiller — I believe I saw Schiller only on one occasion, and when I met Schiller I asked him the question, "When did you leave the Hanf & Jute where you were a director?" Now you can realize how good the impression was he made on me.

Q. Now, Professor, wait a minute. You didn't answer my question. Please answer my question first and then give an explanation. From which

source do you know?

A. Well, I wasn't just a figurehead when I was president and I had meetings every fortnight. The smallest details had to be reported to me.

THE COMMISSIONER: I think the question is answered now. Will you ask another question, please, Dr. Metzler?

BY DR. VON METZLER:

Q. Since, as you told us, Professor, you were informed about all the details, did you not know then that Anilin-Chemie A.G. was owned by I.G. Farben?

A. Pollek did not tell me about it. I only knew that Roth and Pollek were on good terms. The whole thing was just gossip. Merely gossip.

Q. Please, witness, give us facts. How do you know that this was just gossip?

THE COMMISSIONER: Just a moment, now. Dr. Metzler, it strikes me that for the last fifteen or twenty minutes you have been having an argument with the witness. And that, I believe -- I don't mean to criticize your conduct of your case, Dr., but I think that is due to the form of your questions. Perhaps you could phrase them in such a way that it would not amount to an argument with the witness.

Mr. Herman.

MR. HERMAN: The last question was clearly answered by the witness, and I don't see any advantage in repeating the question.

DR. VON METZLER: I withdraw it.

Q. Witness, you said just now that the discussions between Pollek and Roth were just gossip. How do you know that? Can you give me facts? Have you been present at these discussions?

A. Yes. Whenever I appeared in the Kantgasse Office, these gentlemen were in the hall, and the fact that Pollek had Engleender together with Roth in the hall is alone speaking volumes.

Q. Pardon me, witness, for interrupting you. I see that you are obviously unable to answer my question and, consequently, I now pass to

another subject. Now, one last question relating to the Anilin-Chemie subject. Do you know that Skoda-Wetzler sold parts of their products via Anilin-Chemie?

MR. HENRIAN: I object to this again as being outside the scope of the affidavit.

THE COMMISSIONER: Dr. Metzler, will you indicate what part of the affidavit your question refers to?

DR. VON METZLER: Mr. Commissioner, my question refers to the 6th paragraph of the affidavit, which we just discussed.

THE COMMISSIONER: The letter in paragraph 2?

DR. VON METZLER: Yes. And the fact about which I am asking the witness is important in connection with the negotiations which are mentioned in this letter.

THE COMMISSIONER: Now, the court reporter will read the question.
(The last previous question was read back by the reporter.)

THE COMMISSIONER: Dr. Metzler, it is not apparent to me how that question refers to paragraph 2 of the witness' affidavit.

DR. VON METZLER: Well, Mr. Commissioner, it is very difficult for me to explain this at the moment because for this purpose I would be in the position to answer my question which I am putting to the witness and therefore I feel rather embarrassed.

THE COMMISSIONER: Dr. Metzler, you consider the answer to this question important for your case?

DR. VON MATZLER: Yes, sir.

THE COMMISSIONER: I will not let it go in. The witness may answer.

Q Do you still remember the question, Professor?

A Skoda-Wetzler, together with a number of other chemical firms, formed a cartel. Skoda-Wetzler effected the sales for the other partners, especially sales to the East, and vice versa, but which products they were in detail I could no longer say. Only to the medical department was an exception.

Q Professor, I put my question to you about the Anilin-Chemie A.G. To repeat my question: Do you know that part of Skoda-Wetzler's products were sold via Anilin-Chemie A.G.?

A I cannot say.

Q And you can't remember that fact although you were the Referent with the Kreditanstalt about the business affairs of Skoda-Wetzler?

A Well, after all, these are ten years since, and I can no longer state exact details from the cartel by heart. Separately dealt with were only medical products of the I. G. These were dealt with by the department under Mann, or Kreutzberg, and later on Neubacher.

DR. VON METZLER: That ends my cross examination.

THE COMMISSIONER: Thank you, Dr.

Do you wish to examine him?

DR. NATH: May I continue?

CROSS EXAMINATION (continued)

FRANZ TOTTEMBERG

BY DR. NATH (for Ilgner):

DR. NATH: Dr. Nath for Ilgner.

Q I have only a few short questions and I will be very grateful to you if you answer with "yes" or "no." Is it true that during 1936 there were sales negotiations with the Aussig-Solvay concern concerning about 86 percent of Skoda-Wetzler shares?

A There is some confusion here. Aussig Chemical Corporation and Solvay are two quite different firms.

Q May I interrupt, Professor? I am very grateful for your information. May I ask you, then, with which firm the negotiations took place?

A With none; I can swear to that.

Q Do you then mean to say that no other negotiations about acquisition of Skoda-Wetzler stock took place? By some other chemical concern?

A Yes, precisely.

Q Do you know, Professor, that in 1936, on account of such negotiations with another concern I. G. Farben attempted to obtain an option for two years just for the sake of acquiring these shares?

A Pardon me. I am sorry, I am unable to answer the question with "yes" or "no", unless you permit me to tell you what it was all about. At that time the nitrogen project Wolfsegg-Traunthaler-Linz came up, but it became obsolete by the Vice-President of the corporation intervening himself, because he insisted on Moosbierbaum, since this place is located right in the center of agricultural production in Austria.

Q Professor, I ask you about a right of option belonging to Farben. Does the endeavor of Farben for a right of option have any connection with this?

A They did not apply to me. I know nothing about it.

Q My next question. Professor, do you know that in 1936 Mr. Roth, together with Mr. Phillip, made an offer to the Creditanstalt on behalf of I. G. Farben to take over those 86 percent of the shares for an amount of 3,000,000 marks?

A No. No, that is not true.

THE COMMISSIONER: That answer is complete. Take the next question.
BY DR. NATH:

Q Let me come to another subject now. In your affidavit you said that in 1936 Dr. Ilgner was introduced by Professor Flochthorn to you and that in 1936 you met him, therefore. Is that true?

A Yes, but only in a social way.

THE COMMISSIONER: The next question.

Q Professor, how can you state it was 1936? Have you got any facts to support your testimony?

A Flechtheim was a son-in-law of a member of the German Reichstag who belonged to the Zentrum-Partei, Central Party, and was one of the most influential directors of I. G. Farben. His daughter, Elsbeth, was one of my students and under my guidance she graduated in Philosophy, and on this occasion Flechtheim introduced Ilgner to me. They appeared to be on good terms.

Q Is it correct if I state that it was 1936?

A Oh, well, it might have been 1935. That I don't know.

Q Can it even have been earlier?

A Yes, it can be earlier. I know that those were the details, that there was a meal celebrating the graduation and on this occasion I met Flechtheim and this Ilgner. He was sitting there too.

Q Professor, I don't deny that you know him; I just want to fix an exact time.

A Well, I can't tell you that. I would have to look up when that woman graduated.

THE COMMISSIONER: Then the witness has answered he doesn't know the date. Can you proceed to your next question?

DR. NATH: I only know that in the affidavit the witness obviously knew it was 1936.

MR. NEWMAN: I think there is some confusion. The witness says "about" or "approximately" 1936.

DR. NATH: I don't think that the objection of the Prosecutor is proper because in the affidavit it states exactly. "The I.G. Farben at that time was represented by Dr. Ilgner, who was introduced by Professor Flechtheim, a personal friend of mine and for years counsel of I.G. Farben. At that time the negotiations came to nothing, because I. G. Farben

made it a condition that it should receive Skoda-Wetzlar A.G. Stock" ----

MR. NEWMAN: Just a minute, I think we can shorten this, Mr. Commissioner. And I believe we don't know what we are discussing here. At that time, as Defense Counsel rightly stated -- in the first phrase of Number 2 -- and there the witness said, "As far as I remember, our first contact with I.G. Farben was established about the year 1936."

THE COMMISSIONER: Did you have something further to say in this connection, Dr. Math?

BY DR. MATH: I apologize.....

Q Now, Professor, I must put it to you that through the years 1933 through 1938 Dr. Ilgner was not once in Austria unless he passed through it by train to Budapest.

A Well, let me say the following: I think Counsel has read that sentence not quite correctly. What it says here is that I said I quote: "I.G. Farben at that time was represented by Dr. Ilgner." Whether he was here or not, I can't say. And then I continue, and I quote: "who had himself introduced by Professor Flochtheim, a personal friend of mine and for years legal consultant of I. G. Farben." It doesn't say here that he was introduced to me at that time. Indeed,

I met Ilgner through Flechtheim. Whether this was in 1936 or not, I didn't say.

Q. Professor, do you know that already in July 1932, and even earlier than that -- during 1927 -- there were negotiations between I. G. Farben and Skoda-Wetzler and also gentlemen of the Creditanstalt about Farben taking an interest in Skoda-Wetzler?

A. No.

Q. Professor, do you know Mr. Dencker of Farben?

A. No.

Q. Does it support your memory if I tell you that Mr. Dencker was the Chief of the Central Bookkeeping Department of Farben?

A. No, it does not.

Q. Do you know in this connection that Mr. Dencker on two occasions was in the offices of Skoda-Wetzler, the last time in the spring of 1938, in order to check over the state of affairs with Skoda-Wetzler and especially to closely look over the balance sheets of 1936 and 1937? This happened in the wake of the negotiations constructed.

A. I don't think I had to say very much during the Spring of 1938 because Spring starts on the 19th of March and on the 13th of March I, figuratively, ceased to breath and I don't think that at that time I had to say very much with Skoda-Wetzler.

Q. Do I understand you correctly, Professor, that you never learned anything about this checking over of the balance sheets?

A. No, I did not.

Q. Professor, I must put it to you that this checking over of the Balance sheets of your corporation took place before the Anschluss. Was it possible or was it customary that outsiders from outside firms went over the balance sheets to check the economic foundation of your enterprise and you in your capacity of Referent to and decisive gentlemen of the Creditanstalt did not learn that such a thing happened?

A. I knew nothing about it.

DR. NATH: We are hearing your statement with great interest, Professor.

and I have no further questions.

THE COMMISSIONER: Further redirect?

MR. NEWMAN: Yes, Mr. Commissioner. It will be very short.

THE COMMISSIONER: Would you like to take a recess now or would you rather proceed with the direct?

MR. NEWMAN: If it is agreeable, I would like to proceed now.

THE COMMISSIONER: You may proceed.

REDIRECT EXAMINATION

FRANZ ROTTENBERG

BY MR. NEWMAN:

Q. Mr. Rottenberg, yesterday, you were asked about the Board of Skoda-Wetzler -- more particularly about Pollak and Stransky?

A. Yes.

Q. In order to gain a better picture I would like you to briefly tell us whether the following people were on the Board of Skoda-Wetzler on March 12, 1938, and what has become of them thereafter: --

DR. VON METZLER: (to the interpreter) Pardon me, you translate "Board" with "Aufsichtsrat", there was no "Aufsichtsrat" in Austria, but a "Vorstand".

BY MR. NEWMAN:

Q. Professor Rottenberg, we already knew from your affidavit what happened in the days immediately following the Anschluss.

A. Yes.

Q. Will you please tell us very briefly what happened to Josef Reither?

DR. VON METZLER: Objection. That is beyond the scope of cross examination.

THE COMMISSIONER: The court reporter will please read the question. (The last previous question was read back by the reporter.)

DR. VON METZLER: May I add something?

THE COMMISSIONER: And you wish to object?

DR. VON METZLER: We have not asked any questions regarding after the period of the Anschluss. Therefore, I feel that the redirect cannot touch on that period.

THE COMMISSIONER: I seem to remember that the witness testified to something about the Anschluss. I am going to be as liberal to the Prosecution as I was to the Defense, although I will not sustain a question as clearly without the scope of the cross examination. But I think that the witness here testified to something referring to the period after the Anschluss. I am going to let the question stand. You may answer.

DR. NATH: Mr. Commissioner, --

THE COMMISSIONER: Dr. Nath.

DR. NATH: Well, Mr. Commissioner, the witness himself said in his affidavit that he only knows from hearsay what happened after the Anschluss. He again and again emphasized that after the Anschluss of 1938 there is nothing he could testify to from his own knowledge. That name Reither which has been mentioned here is neither contained in the affidavit nor has it been mentioned by us during cross-examination.

MR. NEWMAN: I think we are anticipating the answer to be given, but the witness, if he doesn't know, he will go indicate.

THE COMMISSIONER: In view of the fact that the Defense will have some recross-examination, I am going to let the question stay in there. The witness may answer.

THE WITNESS: I didn't answer yet. What was your question?

BY MR. NEWMAN:

Q. Please answer the question. What happened to Reither?

A. Reither was in a concentration camp.

Q. And what about Stransky?

DR. NATH: Objection, Mr. Commissioner. I object. During the whole course of the cross examination we didn't hear a single word about the concentration camps. Consequently, I ask that either the

whole question will be stricken from the record or otherwise my objection sustained.

MR. NEWMAN: There were many questions in redirect about the part played by Mr. Pollak in Skoda-Wetzler up to March 12, 1938. I think it is directly connected with this line of questions to show that all the people, or 90 percent of them, in Skoda-Wetzler who could deal with the corporation before March 12, immediately thereafter were either killed or arrested or brought to concentration camps; and I think that short questions in this line are highly proper.

DR. NATH: For the record, Mr. Commissioner, this is an argument by the Prosecution which is not proper. It further appears that questions are to be followed up which are quite outside the scope of the cross examination. We only asked questions concerning the transactions which are economic matter of fact questions and solely concerned the period before the Anschluss of 1938. Therefore, I object to the attempt of the Prosecution to bring in things which we didn't even touch upon in the remotest way during our cross examination.

THE COMMISSIONER: Mr. Newman, I will be interested to hear from you on that one point, as to whether or not the question that you have asked will bring up something that was not dealt with in the cross examination. Can you discuss that?

MR. NEWMAN: First, Mr. Commissioner, I think, for the reasons I stated, there is such connection. And, second, I feel that it has been our established rule that if we submitted only an affidavit we are not confined in redirect strictly to the text of this affidavit.

THE COMMISSIONER: Dr. Newman, I am not clear in my mind as to whether or not you have covered the question I have asked you. That is, does your question refer to matters brought up by the cross examination?

MR. NEWMAN: If my memory serves me correctly, I think that just Mr. Pollak, Mr. Stranky, and Mr. Fleischer of Fleischmann were covered by the cross examination.

THE COMMISSIONER: That is correct. But does your question now deal with any of those gentlemen?

MR. NEWMAN: Not this present question, but I wanted to mention the others too. This present question mentions another member of the Skoda-Wetzler.

THE COMMISSIONER: Was he mentioned in the cross examination?

MR. NEWMAN: He was not mentioned.

THE COMMISSIONER: I will sustain the objection.

BY MR. NEWMAN:

Q Can you tell us what happened to Mr. Stranky?

DR. HATH: Mr. Commissioner, the attempt is made here to discuss the fate of persons whose names have been mentioned incidentally which befall them after the Anschluss in 1938. As far as these names were referred to during our cross examination we strictly confined ourselves to the period before the Anschluss, and we think that the record should not be burdened with the personal fate of persons or with their family relationships or other affairs which may possibly extend as far as the year 1945. This is quite outside the scope of the cross examination.

THE COMMISSIONER: I will hear from Dr. Newman.

MR. NEWMAN: I would like to repeat that, as far as I know, it has been our established rule that we are not confined in redirect to the questions directly covered by the affidavit we submitted. And, subsequently, Mr. Commissioner, I think there is a direct connection with the issue. The question is whether after -- In cross examination Defense

Counsel tried to bring out that Mr. Pollak, who was authorized as he felt to act for Skoda-Wetzler, had reached with agreements, or preliminary agreements, with I.G. Farben. I think it is directly connected with this part of the cross examination to show that immediately after the Anschluss almost all the people authorized to act for Skoda-Wetzler were either confined to concentration camps or dismissed.

DR. VON METZLER: I object. Prosecution is trying to --

THE COMMISSIONER: Now, you are out of order. Mr. Newman is addressing the Commissioner.

And now, Dr. Newman, you were asking questions as to some of those people who should have acted for Skoda-Wetzler.

MR. NEWMAN: That's right.

THE COMMISSIONER: Now, by way of clarifying it, what is the question that is objected to? Give me the definite question that is objected to.

MR. NEWMAN: What happened to Mr. Stranky after the Anschluss?

THE COMMISSIONER: That name wasn't mentioned in the cross examination was it?

MR. NEWMAN: I think Stranky was mentioned.

THE COMMISSIONER: Was that man's name mentioned in the cross examination?

DR. NATH: The witness named Stranky during cross examination, but still we object. First, because --

THE COMMISSIONER: The witness did name this man.

DR. NATH: We raise an objection on the ground that the name of Stranky is not mentioned in the affidavit, and, second, because during cross examination we only discussed the period before the Anschluss in 1938.

THE COMMISSIONER: That wouldn't be controlling. The point is that any testimony that was elicited by your cross-examination of this witness is subject to redirect examination.

DR. NATH: Mr. Commissioner, I believe to understand correctly that it is, the practice used by the Military Tribunals in Nurnberg that such questions have to be kept within the scope of the cross examination as far as facts go.

THE COMMISSIONER: That is true. That is true, but here the witness has testified on cross examination to a certain person, and now on redirect the Prosecution has a right to ask questions as to the person testified to on the cross examination. I am going to permit the question to remain in the record.

You may proceed. You may answer the question.

Dr. Newman, in your redirect, I will ask you to confine yourself very strictly to only matters brought up on cross examination.

DR. NEWMAN: I shall do so, Mr. Commissioner.

Q I now repeat my question: What happened to Felix Stranky?

A Felix Stranky was in a concentration camp for racial reasons, and there he lost one leg but that had nothing to do with our affairs.

THE COMMISSIONER: I wish to say at this time -- I wish to admonish the witness not to put into the record some fact about which he has been asked no question.

MR. NEWMAN: I have no further questions.

DR. VON METZLER: No recross examination.

THE COMMISSIONER: The witness is excused. I thank you, Professor.

(The witness was excused.)

THE COMMISSIONER: For the record, this proceeding, covering the examination of the witnesses Johan and Rottenberg, is now concluded, and this Commission is adjourned until further notice.

(The Commission was adjourned at 1115 hours, 7 February 1948,
until further notice.)

Official Transcript of Military Tribunal VI in the Matter of the United States of America against Karl Krauch et al, defendants, sitting at Nurnberg, Germany, on 13 February 1948, 0930, Justice Shaker, presiding.

THE MARSHAL: The honorable, the Judges of Military Tribunal VI. Military Tribunal VI is now in session. God save the United States of America and this honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MARSHAL: May it please Your Honor, all the defendants are present in the Court Room with the exception of defendants Gajewski, Justigisch, Heffliger, Oster, Lautenschlaeger, and Krauch.

THE PRESIDENT: The defendants named by the Marshal have, on their own applications, been excused from attendance today. Are there any preliminary observations from counsel for the Defense before we start?

DR. WELTE: Your Honors, may it please the Tribunal, on behalf of the entire Defense I shall permit myself to make the following statement with respect to the present position in the case of the defendant Dr. H. An essential element of the proceedings lies in the safeguarding of those who participate in the trial -- the Prosecution, the Tribunal, and the Defense, -- in order that they may follow the proceedings properly which go on before the Tribunal, and which are to lead to the finding of a judgment. The Defense, in the same way, as all other participants, must understand what is being presented here, because they must conclude from any such presentation what is essential for any one of the defendants. This, in particular, holds true of the presentation of documents. The necessity for all participants to understand what is at issue had brought about the following situation: when the Prosecution was submitting the documents the rule was set up that twenty-four hours before such documents are being submitted here they would have to be made available to the defense. The reasonable

basis for this rule holds true, as the Defense believes, also for the submission of document books with respect to the individual defendants, and also with respect to those defendants also whose cases are not at the moment dealt with in the proceedings. In the case of the defendant, Dr. Ter Meer, the situation was and still is today that various document books which were submitted during direct examination or were supposed to be submitted during direct examination, were made available in the English language, but not in the German language. It was impossible for the Defense to follow the presentation of evidence at all times, particularly whenever Dr. Ter Meer, in his replies, was referring to documents without such documents having been read or having been discussed in detail. As I am informed by Dr. Berndt this morning, of books six to nine, so far only nine is available in the German language. This is a very essential part of Dr. Ter Meer's presentation of evidence. In view of the special structure of these proceedings, the Defense must, in particular, be given the opportunity to prepare themselves for the re-examination of the witness. Since, however, such preparation has been made impossible, the rights of the Defense are essentially limited. Therefore the entire Defense is asking the Tribunal to see to it that the rule which was established in the case of the Prosecution documents should be applied generally; in other words it should also be applied when submitting documents on behalf of the Defense. That is to be done in favor of these defendants whose case, at the moment, is not pending.

THE PRESIDENT: Let us make sure, on the outset, that we understand just what the situation is. As we understand it, we have Dr. Berndt's books 6, 7, 8, and 9 in English and that only 9 is presently available in German. Is that the situation as you understand it, Dr. Nelte?

DR. NELTE: Yes.

THE PRESIDENT: I am told that the Tribunal does not have 8 in English. The Tribunal fully appreciates the rights of Counsel for the

defendants to have an opportunity to know what evidence is being introduced and a fair opportunity of meeting it. However, we all find ourselves confronted with more or less of a problem just at this immediate time, because of the extremely heavy load that has been imposed upon the Language Division because of the fact that three other Tribunals are concluding their cases. Now, it is going to require a little cooperation on our part, and perhaps the waiver of some privileges that we would ordinarily grant, if we avoid a breakdown and a forced continuance of this case, which I am sure everyone in the courtroom would regret very much to see occur. I am wondering if it would not be possible for Dr. Berndt, with the English books available, to go ahead in the presentation of his case, if we afford you gentlemen of the Defense an opportunity to interrogate the defendant, Dr. ter Meer, as soon as you have had the German books made available to you, and an opportunity to familiarize yourselves with the contents of those books. In the meantime, of course, we can anticipate you will also have your German copies of the transcript so that you can familiarize yourselves or refresh your recollections as to what occurred while the defendant was on the stand. If that could be done, we might rearrange our schedule enough to postpone the interrogation of Dr. ter Meer by other defendants after Dr. Berndt has concluded his examination. Until such time as you do have a reasonable opportunity to familiarize yourselves with the documents that have been presented by Dr. Berndt, and also have available the transcript, the German transcript, of the testimony of Dr. ter Meer. Now, if that can be done it will, perhaps, help us over a rather difficult time, and we are hopeful that in the course of a few days, with the cooperation you have already given us in filing your books, that we will have this problem solved and not be embarrassed by it further. I should like to have an expression, Dr. Nelte, if you are privileged to speak for your co-counsel as to whether or not the suggestion which we have just offered could be met.

DR. NELTE: Your Honors, I have understood you to say that the

Defense is to have the right to re-examine the defendant Dr. ter Meer, or, at a later date, other defendants who may appear on the witness stand, -- that is, recall them to the witness stand for re-examination -- when the document books are available at the time in the German language and at the time when all the testimony on direct and cross-examination has been made available to us. Is my opinion correct?

THE PRESIDENT: That is what I had in mind. However, I did not have in mind that we would oblige the Prosecution to cross-examine until all of the testimony adduced by the defendants had been produced. That would make another double cross-examination. I am not offering this suggestion as establishing any precedent to be followed in the future. It's just an emergency matter that I am hopeful will help us over this immediate situation. To repeat, Doctor, so that you do understand, I was going to suggest that Dr. Berndt be permitted to use his own German copy and go ahead with his interrogation of Dr. ter Meer, and the introduction of his documents. Then to postpone until German copies were available to counsel for the Defense, the matter of any further interrogation of Dr. ter Meer by other defendants, and, of course, the cross-examination by the Prosecution. In other words, we would much prefer to do that, than to have to suspend and entirely lose the time. It may be that this situation will not arise again and if we can get over this present period we can avoid any such thing as that in the future. Did the Prosecutor have something to say on the subject?

MR. SPEECHER: Just one thing, Mr. President. It seems to me that the record really should show that Dr. Berndt and Dr. Bornemann have a copy in the German language which they are using, and that that is available to Defense Counsel immediately here in the courtroom, as well as during the recesses and at night, which is quite apart from the fact that I assume most Defense counsel have been working with Dr. Berndt and Dr. Bornemann insofar as the defendant ter Meer is going into matters which are of a general interest in the Defense. I just thought that might be on the record.

THE PRESIDENT: Well, you assumed, of course, that Dr. Berndt and his associate counsel had their own personal copies of their documents in German so that they could, so far as they are concerned, interrogate the witness. The only problem is that of the other defendants.

DR. NELTE: Dr. Berndt, this morning, has received back the copy from the mimeographing department which he had submitted ten days ago for purposes of mimeographing. Your Honors, on this occasion I must state that the German transcripts of the sessions are received by us on the average of eight or ten days after the day of the session. I personally, not yet today, am in possession of the transcript of the examination of 5 February. I am not complaining now about the work of the reproduction division because I know that they have a tremendous amount of work to do. I am only stating that in order to make you understand in what position we are at the moment; especially since we have to check with the transcripts whether or not a re-examination of a defendant is necessary who, in the meantime, has left the witness stand.

THE PRESIDENT: Now, it occurs to me that since the witness will be interrogated in German and he will answer, we may assume, in German, that counsel can hear his testimony and make notes and memoranda as it progresses. If, in addition to that, we accord the Defense an opportunity to interrogate Dr. ter Meer further, after the German books are available, and a timely opportunity to examine them has been afforded, no harm can be done to any defendant in the trial of this case. And that is what we should like to do. We will say to you now that we will not expect you to answer as to whether or not you wish to interrogate Dr. Ter Meer, nor will we expect you to interrogate him if you so desire, until you have an opportunity to examine the documents that are referred to in his testimony or are presented by his counsel in your language. Now, it seems to me that meets the situation. I should like to afford my associates an opportunity to express themselves. I have no desire to do all the talking on behalf of the Tribunal with

respect to this matter. Have you any observations, Judge Morris?

JUDGE MORRIS: I think the arrangement suggested by the President is one that will probably relieve the present situation. I just wanted to add a further remark, however. I personally am not so impressed with the suggestion of counsel for the Defense that they are entitled to the same time to consider document books, that is the period of forth-eight hours, that was given to them with reference to the plaintiffs books, and I wouldn't like that to be tacitly considered as settled or a precedent due to the remarks that have been made here now. The Tribunal was very careful to see that the Defense had an opportunity to study and be prepared to meet and cross-examine on the basis of document books that were presented by the Prosecution. The situation is quite different regarding the Defense among themselves. After all, there are two sides to this lawsuit. The Prosecution on one side and all of the defendants on the other. We can reasonably assume that the defendants work together and as a general proposition not at cross-purposes, and the cooperation which we expect you to exercise among yourselves as defendants and Defense counsel makes the situation quite different with respect to your own books than existed with respect to the books that were presented by the opposing party, that is the Prosecution, and I just wanted to make the remark along this line in order that we not get committed, perhaps, by inference, too much to the proposition that the Defense always has the same opportunity to meet its own documents as was given to the Defense in order that they might meet what was produced by the Prosecution.

JUDGE HERBERT: I fully concur in the action that the President is taking in this particular instance, and also with the remarks which Judge Morris has made. I think it would be unfortunate, indeed, though, if the action taken in this instance, namely, indicating that it will be permissible to examine Dr. ter Meer on Defense documents at some future date, I think it would be unfortunate if that should constitute a precedent applicable to the other defendants for the reasons which Judge Morris has

indicated, I think, quite clearly. I think that we have about arrived at the stage in the trial of this case when we should frankly recognize that while there are some desirable procedures which we want to accord you the widest latitude as Defense counsel, if we encounter insuperable administrative difficulties we simply have to depart from that. Now, what we are here concerned with is the matter of the order of proof. There is nothing sacramental in the introduction of documents at the same time that the witness is being interrogated in the box. Of course, the witness has certain fundamental rights which we are anxious to protect. He has the right to tell his story fully and freely from the witness stand; he has the right to comment upon the incriminating evidence, if any, that has been introduced against him by the Prosecution; and he further has the right to elaborate upon and explain any documents which his counsel may introduce in his behalf. Now, we do not see where any one of those fundamental rights is disturbed in the slightest by the procedures suggested by the President. Dr. Berndt, as counsel for Dr. ter Meer, will have available the German copies and materials that he uses in the interrogation. Counsel for the other defendants can follow that interrogation in the German, and I think under normal cases in normal situations you will find that the information produced in testimony of that character is of a sufficient character to apprise you of the points on which you might desire any further interrogation. Now, while we have taken this much time there is one other point which I think we had better have an understanding on at the moment in order to avoid further delay for additional discussion, and that is this. What I have said applies equally to the English copies or to the German copies. I am informed that Volume 8 is not now available in English. It is my view that the examination of this witness should proceed, even though Volume 8 is not available in the English. The documents which Dr. Berndt wishes to use in interrogation of the witness may be given an identification number at the time he wishes to ask the question about them,

and later, when the copies are available, they can be introduced in conformity with the rule, and I think that expresses fully my views in the premise.

THE PRESIDENT: I think there has been enough said that counsel understands the views of the Tribunal. It is our conclusion that Dr. Berndt may proceed with the examination of the defendant ter Meer, may introduce his documents, have them identified and offered into evidence whether they be presently available in German or English until he has had an opportunity to complete his examination in case of the Defendant Dr. ter Meer. As soon as the German documents have been distributed and a reasonable opportunity has been accorded counsel for the Defense, they will be expected to say whether they wish to interrogate Dr. ter Meer on behalf of their respective clients and if so, to interrogate him. At the conclusion of that supplemental examination by other defendants, the Prosecution will cross-examine. I heartily concur with what Judge Morris and Judge Habert have said with respect to the meeting of this situation being construed as a controlling precedent in the future. We would very much prefer, and will, wherever it is possible, insist that the examination of a defendant be concluded while he is on the stand. By that I mean by his counsel, by any other defendants who wish to interrogate him, and by cross-examination by the Prosecution. That is the orderly procedure which we will undertake to follow. We are departing from that because of circumstances and conditions that are presently beyond our control. Dr. Berndt, you may proceed with your examination.

DR. BORNEMANN: (Counsel for Ter Meer, defendant) With respect to the matter which was discussed, let me make a factual statement in order to correct an error of Dr. Helto's. The volumes VII, VIII, and IX Ter Meer have been submitted by us on the 28th of January, fifteen days ago, and not, as Dr. Helto said, ten days ago. Last night I received all these documents back in order to use them here.

THE PRESIDENT: Counsel, permit me to interrupt you further to say that I neglected to observe a few moments ago that the Language Division reported to me orally just before the session that Book VIII in English would be available by noon today, for whatever that information may be worth to you in the arrangement of your program.

DIRECT EXAMINATION, continued
Fritz Ter Meer, Resumed

BY DR. BORNEMANN:

Q Yesterday afternoon we had started the complex of questions concerning Buna in Germany. When we finished, Dr. Ter Meer talked about the work in the Buna field at the time of the economic crisis from the years 1929 to 1932. The first question to be directed to him today refers, therefore, to what extent the political upheaval in the year 1933 was the cause for an intensification of the experiments in the field of synthetic rubber.

A The political change in 1933 at first had no influence at all on the work of the synthetic rubber by Farben. In the year 1930 Farben had invented two new types of rubber, the so-called Buna-S and the Buna-N, which is also called Perbunan.

Farben was about to improve the processes with respect to these two types of rubber and to try to mature the processing of these substances in order to produce final products. Tire experiments had already taken place ever since 1928, mostly on a race course for automobiles located near the Rhine, and such tire experiments had already proven the suitability of the new substance for the manufacture of tires. However, there were great difficulties with respect to the processing of the new rubber tires, a matter I shall go into later. We continued

that work and the taking over of the Government by Hitler in 1933 had no influence whatever on that work. However, the end of the crisis which occurred very quickly in 1935 and 1936 because of the fact that the Government employed more workers gave us the possibility to work with larger funds.

Q What happened in 1934?

A In 1934 the German authorities officially included themselves in that project. Decisive in that respect I consider Keppler's interference. Keppler was the so-called Economic Plenipotentiary of Hitler. Keppler called a meeting at the Supervisory Office for Rubber. The Supervisory Office for rubber was the office of the Reich Plenipotentiary for rubber an organization of the Reich Ministry of Economics. This meeting took place on the 30th of October, 1934. A few colleagues and I attended this meeting.

In Prosecution Exhibit 547, NI-7241, in Book 28, we have a list of all meetings and conferences which took place in those years, and in that document this meeting is mentioned too. Mr. Keppler made the remark that the Government wanted to push ahead the rubber project with dynamical power. Farben was to build an installation to produce Buna at the rate of 12,000 tons per year, something which I flatly rejected. We had neither proceeded far enough from the point of view of manufacture, nor were the representatives present during the meeting on behalf of the rubber factories in a position to process such large quantities of rubber.

As I mentioned, at that time we still had a great difficulty with respect to processing. Farben however foresaw that as soon as their experiments would be concluded in the various factories a larger experimental plant could be erected for the manufacture of 2,400 tons per year at their own cost in order to help along the development. That was something in our own technical interest.

Q What was the Government's motive for pushing you with respect to Buna production?

A The Government had a project of increasing the motorization of Germany. The building of the Autobahns had started. Furthermore, Keppler on the occasion of a tete a tete discussion after the meeting had told me expressly that Hitler, when taking an interest in synthetic rubber saw in it a large contribution to the decrease of unemployment. I have stated that in my so-called Krensberg memorandum, Exhibit 334 of the Prosecution, NL-5187, Book XII, German page 115, English page 126. Hitler and Keppler probably over-estimated the number of unemployed which would find work because of the erection of one Bupaplant. That is exactly what I told him at the time.

Q You have repeatedly mentioned the name of Keppler. Dr. Ter Meer, perhaps you could tell us who Keppler was?

A Keppler was the so-called Economic Plenipotentiary of Hitler. I would characterize him as a commissioner of the Reich Ministry of Economics who was entrusted with the special task of working on a number of autarky problems in order to eliminate unemployment. He had to deal with artificial fibers which we in Germany call "Zillwolle." Furthermore, the work on synthetic rubber and finally, as a special field, the increased use of German ore mines, even of those ore mines, the exploitation of which was not as cheap as that of ore mines abroad. But, in the final analysis, work had to be created.

Q Did the decrease or elimination of unemployment belong to the main aims of the Governmental policy at the time?

A Absolutely. I think that I am giving a correct statement about the situation if I say that in particular during the first two years of the new government the elimination of unemployment was a paramount factor in the government's policy. In order to show to what extent this came into effect on the basis of decrees and laws, the Defense submitted yesterday Document 112 and 113, in Ter Meer Book —

Q Let me interrupt you.

A Yes, you are right. Exhibit 112 and Exhibit 113, where a number of laws and decrees dating back to the year 1933 are to be found. Even in the year 1934 a number of decrees were issued,

but I think the year 1933 speaks for itself.

Q Was the elimination of unemployment the only motive in governmental policy?

A No, not the only motive, but at the beginning it was the decisive one. Peculiarly enough the German Government in 1933 spoke a great deal about the elimination of unemployment, but at the same time it left out of consideration the foreign exchange situation in Germany. During the first years the government did not think that the restoration of millions of unemployed to work, that is the full employment of further millions of workers, would at the same time mean an increase of the buying power of the masses, and that as a result of this increase of buying power there would not have been enough food and that as a result a greater demand would be made on imports. It seems that the Government only paid any attention to this problem when the situation actually became more acute, and I think at the latter part of 1933, particularly because of Dr. Schacht's initiative strong tendencies developed with the the intended to hoard foreign exchange.

In Exhibit 1934, NI-5187, Book 12, English pages 112 and 113, and German pages 126, I have discussed these two motives decisive for the German Government; one, the elimination of unemployment; two the scarcity of foreign exchange.

With respect to the question of scarcity of foreign exchange, I have also offered Document 115. That is an memorandum of 1938 emanating from the OKW from which the Prosecution has quoted some passages and from which the Defense is now quoting others.

My Defense counsel yesterday cited some passages and pointed out specifically that even the OKW is discussing a number of motive with respect to the rubber synthesis and again confirms the scarcity of foreign exchange at great length. I think I need not quote any more passages.

Q If I understood you correctly, Dr. ter Meer, you think that the decisive motives were the elimination of unemployment and the strengthening of the foreign exchange balance, and that therefore Buna production had started. But isn't it correct that also military agencies displayed a great interest in that project?

A Certainly they had a great deal of interest. With respect to the attitude of military agencies, I shall talk later in a different connection.

Q Would you please describe the further development?

A Starting from the end of 1934, or the beginning of 1935, I took charge of all important conferences which were carried on with all sorts of authorities with respect to Buna. I had a number of conferences with Keppler until, in the year 1936, the Raw Material and Exchange Staff came into being. This, as we know, is the office where Dr. Krauch was active as a chemical expert.

Q What was the attitude of the Reich Ministry of Economics and, in particular, the attitude of the then Reich Minister of Economics, Schacht?

A Naturally a number of conferences had taken place with the Reich Minister of Economics, Schacht; in his capacity of Reich Minister of Economics he was personally interested in the question. And in the exhibit which was submitted by the Prosecution, 547, NI-7241, Book 28, German page 32, English page 24, it has been mentioned that one of the gentlemen in the Reich Ministry of Economics, on the occasion of the conference at Ludwigshafen, spoke of Schacht's request to have Farben construct a plant with a capacity of 24,000 tons of Buna per year. This conference took place in January, 1935, at Ludwigshafen. At a later time I spoke with Mr. Schacht and I negotiated with him about the development of the rubber synthesis. I shall come back to that later. This is the conference where duty on imported natural rubber was discussed. Other important representatives of the Reich Ministry of Economics with

whom I had conferences were the State Secretary Posse, State Secretary Landfried, and those who later were taken over to the Reich Ministry of Economics -- Mr. Loeb, Mr. Hanneken, Geheimrat Kugler, and others.

Q During the years 1934 and 1935, did anything decisive happen, I didn't get that impression from your statement so far.

A Well, let me say it this way. Nothing visible started. From a production point of view we had not proceeded far enough. We were working in Ludwigshafen, Hoechst and Leverkusen with merely experimental apparatus, and just as little as that was the question of the processing in the rubber factories solved. Exhibit 129, submitted by my counsel, contains a report on rubber synthesis in Germany, which was written by Dr. Konrad whom I mentioned yesterday. In that report all these matters are described in detail on hand of the original documents of the rubber laboratory in Leverkusen. Perhaps I may be allowed to quote a few passages?

Q One intermediate question. Isn't that Exhibit 127, Document ter Meer 187?

A 127. No, it is ter Meer 187.

Q ter Meer Document 4, Book 50.

A Page 56 of the book in question, page 7 of the document I mentioned, contains the following excerpts from a conference at Leverkusen, in July, 1934. I quote:

"Hammesfahr" -- that is the Reich Plenipotentiary for rubber -- "in view of the present tense situation regrets that one has to take into consideration such a large period of time, and stresses the urgency of the whole matter. The rubber stocks available would be used up very soon. There is practically no scrape material at all, nor is there sufficient reclaimed rubber available as yet. The foreign exchange balance of the Reichsbank is so low that one cannot hop for the purchase of larger quantities of natural rubber. The delivery of new cars by the automobile factories is being interrupted owing to the absence of the necessary material for tires...."

"The earliest possible introduction of synthetic rubber for the manufacture of tires is an urgent requirement and should be pressed forward with all possible means. In view of the resistance which Conti (Continental Gummiwerke) "--which is the largest German tire factory -- having been putting up and the difficulties arising there in the processing of synthetic rubber, Hammesfahr requests that other firms, too, are supplied with material for experiments, above all Phoenix of Hamburg, Deka in Berlin, and Metzeler in Munich."

In a report with respect to a conference in Berlin in 1934, it is stated:

"Hammosfahr considers the situation to be so critical that a catastrophe is likely to ensue if Farben cannot make up its mind soon to erect a plant with an initial production of one thousand tons per month... The erection of a plant must not be made dependent on the financial question, the Reich would give its support; one would definitely have to count on the foreign exchange calamity lasting quite some time (In Dr. Schacht's opinion, three to five years)."

"In May, 1935, the Reichsbahnzentralamt (Head Office of the Reichsbahn) at the instigation of Koppler, took the initiative and ordered the use of synthetic rubber and reclaimed rubber in the manufacture of rubber goods for the Deutsche Reichsbahn." The same was true in the case of other authorities. "At a conference in Berlin on 20 February, 1935, the representatives of the Army Ordnance stated that:

"The Wehrmacht intended to carry into effect its program independently of the developments for which Koppler and Hammosfahr, for instance, are paving the way.

"The urgent demand of the Reich Agencies are in sharp contrast to the hesitating and cautious attitude of Farben." I should like to state the following from a document. Koppler says:

"The economic situation and the Fuehrer's impatience made it

impossible to wait any longer. Keppler asks Farben whether it would not be possible to prepare the plans for the rubber factory immediately without waiting for the results of the experiments with the 50-ton Butadiene furnace. Dr. Struss is unable to make any binding promises in connection with this proposition."

As a matter of fact, the construction of that plant did not start before 1936.

Q When was the buna plant at Schkopau constructed?

A As I started, in the year of 1936 an experimental plant of 200 tons per month, Farben alone undertook the risk. This experimental plant began production at the beginning of 1937 and as a result of the experiences gained, the decision was reached to extend further production to buna-S as the main product.

Q We shall later speak about the contractual negotiations with respect to Schkopau. Let us remain now at the motives for buna production, and let us now turn to questions to supply in Germany. What can you tell us about supply and demand?

A I have already pointed out that Hitler, who was an automobile enthusiast, wanted to push ahead the motorization in Germany with all possible means.

The Exhibit Krauch No. 4, which was already submitted by Krauch, and which is 119 in my book shows that Germany at the time, with respect to the number of automobile available, was infinitely far behind the U.S. and even a long way behind England and France. Hitler wanted to push ahead the motorization in Germany. He wanted to create the same situation or a similar situation as in the United States, where the automobile is something which even the less-salaried man can afford.

At the Automobile Exhibition in the year of 1936, in Berlin, he pronounced his aims, in Document 116 Book IV, page 25. A report is quoted on the speech which Hitler made at this Automobile Exhibition. I quote: "It will then be understood why I insist with resolute determination on having the preliminaries for the construction of the German Volkswagon carried out and brought to a conclusion, that is to say, gentlemen, to a successful conclusion."

The German Volkswagon was a cheap automobile which was to be sold at a price of approximately 1,000 marks. Then in the year of 1938, the

deed followed this pronouncement of Hitler's. Document 117 on page 27 brings us an excerpt from a newspaper article where Dr. Ley, who had received the order from Hitler to construct this Volkswagon plant, announces the commencement of that construction, and where he says that one-and-a-half million Volkswagons per year were to be produced.

The first chapter of that production would amount to 450,000 Volkswagons per year. Dr. Konrad, in Exhibit 118 on page 29 and 30, has calculated the tire and buna demand which resulted. It had been provided that Volkswagons were to be supplied with buna tires. That also can be seen from Ley's announcement, and that he would need an additional supply of 10,000 tons of buna per year with respect to the first quote of 450,000 cars per year, and he would need 32,000 tons of buna a year if the final production goal of 1,500,000 Volkswagons was achieved, but in other fields too a new demand for rubber arose.

My counsel has introduced Exhibit 216, which is an affidavit by one of the largest leather manufacturers of Germany did not permit at the time to import the skins needed for leather production from abroad. Since in the years of 1937 to 1938, unemployment had practically been eliminated, the purchase power of the broad masses, the purchase power of the workers had increased to a great extent, and they were no longer prepared to make do with one pair of shoes per year, demand for shoes had increased and that could only be met if import was increased.

Freudenberg, if I am not mistaken, said that an additional foreign exchange stock of 100 pairs per year would be necessary to meet such demands. Freudenberg took over the initiative in this field, although he was mainly interested in the production of leather, he realized that this additional civilian demand can only be met by the use of greater amounts of buna for soles and heels and he then was very eager to push the increase of production of buna with the authorities.

I negotiated with him about that matter, and Freudenberg actually visited Schkopau, which we see from Exhibit 121. At that time, the

tire experiments had achieved increasingly favorable results. Naturally, I followed these experiments with great interest. Only if the production difficulties of tires were overcome—you must not forget that a tire needs 70 to 80 per cent of all rubber — the production of buna in Germany could be helpful on any large scale.

In Document 122 we find an example from these years when Dr. Struss wrote me a letter when I was on leave. Actually, he was not supposed to write me a letter when I was on leave because whenever I was on leave I wanted to be left alone, but he did have to report to me that the last experiments with tires had actually achieved surprisingly favorable results. The actual consumption figures of rubber in the years of 1935 to 1938 upon official material is estimated, and I am referring to Document 123, page 42 — this is an affidavit by the head of the economic association of the rubber industry — where he gives us the following raw material consumption list on the basis of the statistical department and I am referring to the year 1935:

"Natural rubber, around 65,000 tons in the year of 1935 67,000 tons in the year 1936

Approximately 83,000 tons in the year of 1937

Approximately 96,000 tons in the year of 1938.

"A steep ascent indeed; in addition, there were considerable quantities of reclaimed rubber which, in the year of 1937 went up to 36,000 tons.

"The head of the economic association of the German rubber industry points out that the relationship between raw natural rubber and reclaimed rubber and extremely unfavorable. He gives us the following explanation for that situation. "The proportionately high percentage of reclaim is explained by the fact that in the thirties Germany, due to lack of foreign exchange, was obliged to import waste rubber from abroad and to utilize it for reclaims.

"The foreign exchange expended for waste rubber amounted to only a fraction of the sums required for the purchase of natural rubber."

In the year of 1937, Germany had processed over 45 per cent reclaimed rubber which they processed. The corresponding figures in America are 20 and at the most 25 per cent.

If one considers the obvious need for the Volkswagon and the need of buna for purposes of footwear in Germany, it resulted very clearly that for the year of 1942 and 1943, there was a need of 150,000 tons of natural rubber in Germany, without considering reclaimed rubber.

The memorandum of the OKW which was submitted by the prosecution from which I have also used a few excerpts in Document 115 shows on page 10 of the original the visible demand in the year of 1941 and lists it at 150,000 tons.

I think that this figure is a little low. All this shows what a serious foreign exchange problem rubber constituted particularly since natural rubber needed a lot of American gas-soot. It needed Egyptian wool, which in turn also needed foreign exchange.

Q You know, Dr. Ter Meer, that the indictment speaks of a very uneconomical and a very extraordinary expansion of buna capacity and that it asserts that this expansion was far beyond any peacetime intentions. Would you please say something on that?

A The figures which I stated before show - and they can be proved by everyone concerned on the basis of the documents available - that in the year of 1941, one could expect 125-150,000 tons rubber, total per year.

In the year of 1939, on the other hand, before the outbreak of the war, we were constructing something for 40,000 tons capacity in Schkopau and 30,000 tons in Huels. The minimum capacity which had been provided for Schkopau which was 24,000 tons per year had just been reached at the outbreak of the war, as Exhibit 153 shows on page 38 of Book V.

The Central Accountin Office of Farben tells me and Mr. Buhl that in the months of July, August and September of 1939, something over 2,000 tons had been produced consecutively. This was the tire capacity which we had at the time.

In the year of 1940, approximately 41,000 tons of buna were produced and only in the year of 1941 Schkopau arrived at 42,000 tons and Huels at 27,000 tons. In other words, a total 67,000 tons. These production figures are confirmed by Exhibit 124 in Book IV which is an affidavit by Dr. Struss. With respect to the actual production figures, I see no proof for the assertions of the Prosecution that the capacity of buna went beyond peacetime capacity. That may have been the case during later years of the war when the further development of buna production was contingent upon the war; but as a matter of fact in not a single year until this year we achieved a production of more than 100,000 tons.

I have already said before that the expected peacetime consumption was estimated to range from 125,000 to 150,000 tons per year. The

Prosecution probably is relying upon planning figures, planning figures which have been put to us by various governmental agencies for economic expansion, etc. I want to leave no doubt in anyone's mind that these planning figures were always ahead of us by years and years, if one takes into consideration our actual thoughts and capacity for production. Such plannings did not at all take into consideration what we, a private industry, actually wanted.

They did not understand at all that when we went about constructing a second buna factory, we wanted to gain new technical experiences, and new scientific experiences. They always threw huge figures into our faces. They talked about two, three and four plants at a time when even the first one hadn't been completed and I never agreed to that. Even the Bible, Prosecution Document Book 23, which contains the first planning of the four-year plan — well, we only became acquainted with the Bible here in Nurnberg. That was an internal memorandum.

This Bible speaks of four plans amounting to 400,000 tons in the year of 1936. In other words, altogether 600,000 tons.

In Exhibit 1571, which was afterwards presented by the Prosecution, NL-1106 in Book 28, mention is made of 100,000 tons. It says, and I quote:

"The Farben is talking about the considerations with respect to the expansion of the buna factories Huels and Schkopau up to 100,000 tons." These considerations meant that we actually thought — let's take it easy. We have a new process in mind and we want to try it."

Farben refers therefore to planning but no actual construction came into effect. That applies too to the plant of Furstenberg which was put to us over and over again. That actually was never constructed. A contract with respect to an expansion of Schkopau and Huels up to 100,000 tons was only signed upon the basis of the contract dated the 8th and the 25th of July, 1940. That is long after the outbreak of the war. That is confirmed by the contract submitted by the Prosecution,

Exhibit 550, NI-882 in Book 28, German page 77, English page 56 to 57.
It is in no way correct that the capacity of buna production went beyond the expected peacetime consumption as it is asserted by the Prosecution.

Q How about the alleged uneconomic expansion of buna production?

A I believe the expert witness Elias has testified here who presented the expansion of buna production as being uneconomic. I for my part do not share his view on that, but perhaps I can understand why Mr. Elias concludes in such a way.

In a wealthy country like the United States, a country where there is food, raw material and foreign exchange, far beyond one's own needs, it is very hard to understand why Germany has to resort to such unusual measures as is buna synthesis, but that did not mean that buna production in Germany was uneconomic. What, after all, is economic and what is uneconomic? I would say that a production or the acceptance of largescale order for production is economic if the invested capital brings interest and if the finished product is not so expensive that the public economy is burdened by it to an unbearable extent. Both, however, was not the case.

Schkopau and Huels have actually earned their interest, and with respect to the burden on public economy, we as a result of very detailed sales statistics have established that the price increase which came about as a result of buna production process, as in the case with rubber, it is impossible to arrive at the cheapest unit price which can be arrived at only later in the course of years.

In the year of 1938, I think, we began with a price of 3 marks, but my calculation showed very soon that we could decrease it very soon thereafter, and as of 1st of January 1940, we voluntarily decreased that amount of 2 marks 30. The Exhibit submitted by the Prosecution 550, NI-882 - I beg your pardon -

Q This is NI-7972, I believe.

A I see. Exhibit 570, NI-7972, Book 29, German page 114, English

page 65, shows that Schkopau in the year of 1942 could slash the price down to 2 mark 30. Natural rubber at that time cost 1 mark. One must take into consideration that the German buna process caused extraordinarily high investment costs. The interests and the normal accounting alone burdened one kilo of buna with about half of the price. It was not difficult to anticipate that after a few years after the initial costs had been amortized, a decrease of the unit price would follow and at the end we calculated a price which went down to 1 mark 50 to 2 marks. In other words, a price which was from 50 to 100 per cent higher than the natural rubber price. For Germany, that is nothing unusual. I must point out that in the case of wheat production in Germany, we find that we have far, far more expenses than a comparable production in Canada or the United States. Dye-stuffs, for instance, which were produced in the United States started at first at an expenditure of 200 per cent in order to later be decreased to 100 per cent.

THE PRESIDENT: The Tribunal will arise for its morning recess.

(A recess was taken.)

(After Recess)

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION(Continued)

DR. FRITZ TER MEER

BY DR. BORNEHANN:

Q We were discussing the expansion of Buna production which is allegedly uneconomic, and Dr. ter Meer, I believe you had not yet finished this point. Will you please continue?

A Yes. There was one more thing I wanted to point out. It is not generally known that in finished products, rubber, whether it is a tire or a hot water bottle, or a golf ball, - the rubber involved in the price of the finished product is relatively unimportant. One can say on the average that the process of raw rubber in the finished product involved an increase in value over the rubber of 5 to 10 times. Consequently, if the raw material in rubber or Buna becomes more expensive, that has only a minimum effect on the finished product. Applying this to an automobile tire, which is produced completely from Buna, the finished price was 2 marks 40 on the first of January, 1940.

This would mean that a tire became 9 to 12 per cent more expensive. No one would be able to say that this makes automobile driving impossible. A tire lasts for 30,000 miles, and this applies to most applications of rubber. Rubber, in all of its uses, is an accessory need, and a slight increase in the price of rubber goods does not in any case make their use impossible.

Q In your Document Books 4 and 5 I noticed yesterday that a number of documents are regarding the contract discussions about the Buna Plant Schkepau, and I offered these to the Tribunal yesterday. Will you please, with the aid of these documents, emphasize a few important facts, and will you in particular speak about the question of sale and price guaranty, reduction of taxes, and the repayment of the experimental costs. The Prosecution has referred specifically to these points.

A The introduction of the numerous documents about the Buna Plant

Schkepau, contract negotiations, took place for several reasons. One reason is that the Prosecution placed so much emphasis on the questions just mentioned by my lawyer, tax reduction, price guaranty, etc, and some cases does not know the reasons which led to these phenomena. Therefore, I believe I have to explain them.

One of the essential points of a subsidy of Farben for the production of Buna is the Reichsanleihe. This Reichs loan has a very special significance. About the middle of the 1920's the capital market in Germany, for the increase of capital of joint stock companies, was blocked. The market was reserved for German Reich loans. It was very difficult to get approval at that time to increase capital or to place an obligation loan. We would have preferred to finance this Schkepau plant with a loan, and I.G. Farben would have guaranteed this loan.

At that time the person who wanted to invest money could buy only Reich stock. At that time such a loan would have been sold in 10 minutes on the stock market, but the Reich did not want to allow it, and because our assets were not liquid enough to undertake this investment, which amounted to a sum of about 200 million marks at Schkepau, we had to accept the Reichs offer and take out a loan, but if one considered the conditions of this loan, one can see that it was just like a bank loan.

Q Would you please speak a little more slowly, Dr. ter Meer?

A Yes. We had to pay 5 per cent interest on this money and repay it within ten years in equal instalments. These are bank conditions.

In the Prosecution's Exhibit 334, NI 5187, Book 12, page 114, English page 126, I have commented on this matter, and I should also like to refer to the Prosecution's Exhibit 556, NI 7624, book 28, German page 191, English page 119-120.

So far as price and salesguaranty, which the Reich gave Farben, was concerned, this guaranty was necessary as long as natural rubber, which at that time cost one mark, that is to say, was much cheaper, - could be imported into Germany without restriction. Since the Reich demanded of

as an extension that involved a considerable part of the rubber business of Germany there had to be some guaranty that the factory which was built would be able to operate and would be able to settle its production.

I will come back to that in a moment, in connection with the natural rubber tariff which was introduced later.

As regards the reduction of taxes, this was not a special measure for Buna. The law for tax alleviation is among those laws which the National Socialist Government passed in 1933 to help industry and the economy. Therefore, in Document 112, Book 4, Exhibit 112, - and in Exhibit 141 and 142, where the main clauses of this law are cited, and in an accompanying letter, the Reich authorities expressly state that Farben was not to have any advantage through this tax reduction. This was to keep down the price of Buna. This is not a subsidy either.

As to the offer to refund the experimental costs, the Prosecution did not understand this point. I believe it is a matter of course that if a firm is working in a certain field at an expenditure of millions, and builds a factory, that then they must include their experimental costs in the sales. But we could not do that.

Exhibit 558, NI 6343 Book 28, page 199, English page 126, shows that we were able to include only part of our experimental parts in the calculations. The rest we had to pay ourselves. That was no advantage; that was a disadvantage. But there is a second point which I should like to bring out from these documents. As I have already said, we said that we were willing to build an experimental plant for 200,000 tons a month. The construction of this experimental plant began in 1926, and operations began in 1927. Nevertheless in 1936, when the plant was still under construction, there was a most terrible prodding. Typical of this is Exhibit 137 in Book 5. That is a report of a Conference in October, 1936 when the factory was not in operation yet.

I shall quote a few sentences briefly. Czeimatis, that was the deputy head of the Raw Material and Foreign Exchange Staff, opened the session saying that the effects of the Four Year Plan on rubber production and productions connected therewith, are to be discussed. The deliberations should be made under the assumption that the Buna program would have reached its final goal with a production of three times 24,000 tons per year. That's on page 1 of Book 5. This Czeimatis was a very pleasant officer, but knew nothing whatever about chemical technical matters. I had to explain to him that it was actually stupid even to discuss such a thing. We should first wait and find out what happened with the experimental plants, and then we could talk about the first factory, but why should we talk about three all at once. That is not very sensible business. And Mr. Czeimatis realized during this meeting that this was not possible, and it says on page 5 of this document, page 5 of Book 5: "When Ter Meer asked in which way further negotiations concerning Buna are to be carried out, Czeimatis replied that the negotiations should be conducted with the same agency as up to now, however, only on the basis of a plant for 2,000 tons per month." That is the first. Only one plant.

The second example: In December, 1936, still at a time when we had no results from the experimental plant, we are informed by telephone of the idea of the highest authority, that's Hitler, that the second factory was to be built immediately. According to Exhibit 145, introduced by the defense, we received this instruction in writing in January 1937. We didn't pay any attention to it. We started our experimental plant working, and when we saw the results then we went on. The documents offered regarding the negotiations at that time show a very curt tone so that in these years before the outbreak of the war one can speak of definite government orders. In 1937 we had hardly finished the negotiations for the Schkopau plant, when the Office for German Raw Materials and Synthetics, that was its name then, immediately began discussing the construction of a second Buna plant and since the office knew that Farben didn't want to proceed so fast we were forced to negotiate with the

German automobile industry about the construction of this second plant. The documents are in Book 5, Nos. 154 to 156, page 34 to 44. I believe it's page 39 in the English. Page 39 in the English.

Just a moment. There's a document missing.

Q. I believe we can get along without it, Dr. Ter Meer. You have already spoken about this question at some length. In the trial brief, the prosecution pointed out specifically that there was tariff protection for Buna. Perhaps you can explain that. Tell us how high the import tax on natural rubber was, and how it came about. You have already touched upon this question briefly. Perhaps it would be a good idea to make it quite clear once again.

A. The prosecution has offered Exhibit 556, NI 7624, Book 28, German page 190 and 191, English page 120, in which this meeting is mentioned. It was presided over by the Reich Minister of Economics, Dr. Schacht, on the 16th of December, 1936. It had been called to confer about the question of the granting of the Reich loan for Farben, which has already been discussed. The Reich authorities were not sure from what funds this loan was to be taken and the meeting seemed to be coming to no conclusion. Then I suggested to Schacht that an import duty be put on natural rubber, and from the income from this duty a fund should be set up, which fund would then be used for the loans for the Buna plants and also for additional installations in the rubber processing plants. Mr. Schacht spontaneously accepted this suggestion, and the duty was introduced in May, 1937. The amount of the duty, the date of introduction, the number of the Reichsgesetzblatts is recorded in Document 144 in Book 5. On this occasion I asked Schacht once more what he, as Reich Minister, thought about the production of Buna in Germany. "Was it really the intention of the German Reich, and specifically the Reich Ministry of Economics, to go so far in the production of Buna as was sensible according to economic and commercial principles?" Schacht answered this positively in the affirmative and said that my suggestion about the duty on natural rubber was an excellent one and he accepted it immediately.

Q. Did the introduction of the duty on natural rubber mean a definite hardship for the consumer?

A. Of course, it was a burden on the consumer but the remarkable thing is that the consumers of the rubber processing factories probably did not notice that the raw material had become more expensive. I have already shown in the consumption of natural rubber that in 1937 and 1938 there was a sudden increase in the consumption of rubber. Of course, this increase in the consumption of rubber had an effect in reducing the price for the rubber goods factories. Also, the Price Commissar came into existence for the first time then and I have the feeling, without being able to prove this, that he observed that the producers of rubber goods had very high profits and now, when natural rubber became more expensive, he did not permit the sales prices to be raised considerably. I don't think that there is any German who could say from 1938 on that automobile tires became more expensive in Germany.

Q. Would not Farben, after the introduction of the protective tariff, have been able to dispense with the sale and price guarantee?

A. Of course Farben could have dispensed with that, but in May 1937 we had very difficult negotiations with the Buna contract at Schkopau which were just about finished. This contract had been a great deal of work, and negotiations had gone on over a year and a half, and I didn't want to change anything in it. We voluntarily dispensed with the sales and price guarantee effective 1 January, 1938, which can be seen from the prosecution's Exhibit 550, NI 882, Book 28, German page 78, English page 56. Also Exhibit 157 in Ter Meer Book 5.

In regard to the second plant at Huels, construction of which was begun in 1938, scarcely a year later, there we dispensed with the price and sales guarantee from the beginning because, in the meantime, the rubber duty had given us protection.

Q. And when was Schkopau constructed?

A. According to the contract, Schkopau was built for a capacity of 24 to 30 thousand tons originally. Then, when the factory was put into

operation, it was observed, that in figuring out the dimensions of part of the apparatus which had been built for ten times the capacity, we had been mistaken there, and in some cases we had higher production. By slight additions to the apparatus, we were able to increase production above 30,000 to 40,000 tons a year, and that was done subsequently in 1939.

Q You have already mentioned the second Buna plant at Huels.
When was Huels built?

A It was begun in 1938. There were a number of new conditions here. In earlier years, we had developed a new process for the most important raw material of Buna synthesis, Butadiene, and, above all, for acetylene, which was used to produce Butadiene in Germany, we had a new process for large scale use. This process used the gases remaining after hydrogenation of coal in the Ruhr, and we wanted to appropriate this process. Therefore, the plant was built in the Ruhr, where there were a number of other favorable features. The position of the plant was very near a coal mine belonging to Farben and another coal mine connected by a "community of interest" contract. Therefore, we had the coal directly from the mine. We had some other favorable circumstances. Good position near the water, good transportation, and then it was near the gasoline factory from which we got the waste gases from which we made acetylene. All those factors induced us to build the plant at Huels. The reason why we could begin building a second big plant as early as 1938 is primarily in a different field. In the meantime, there had been an extraordinary simplification of the processing of Buna in the rubber goods factories. By a method which we, in Germany, called the thermic decomposition. Document 128 describes this method. I shall therefore not go into it. This method permitted large quantities of Buna-S to be processed in the factories with the same apparatus and with almost the same facility as natural rubber. I shall come back to this question this afternoon when I describe events in America, where this factor is of even greater significance since, in America, the mechanization of all processes is, in general, further developed than in Germany, where wages are lower.

The third factor was, that in 1938, we had finished developing the Buna tire for passenger cars and we had nearly 50,000 Buna tires on the domestic market. The Volkswagen plant was given and this gave a basis for a higher sale.

Q Now, in 1938, there was a contract concluded with the Reich regarding the construction of the Huels plant. The Prosecution has drawn the attention of the Court especially to the preamble of this contract. This preamble says, and I quote: "The aims of the Four Year Plant determine the duty of Huels. The management of the enterprise will always remember this basic thought and specifically will manage the plant according to the principles of National Socialist ideology."

Can you tell me, Dr. Ter Meer, how this preamble came about and what significance you attached to it?

A From a certain time on, all contracts which had been planned with the Office for German Raw Materials and Synthetics, were provided with this preamble according to government order. Of course, it never occurred to us to put such a clause in our own contracts. This preamble was prescribed at the time, and we just put it in front of the contract. It had no practical consequence.

Q Now, when did the Huels plant go into operation?

A Not until the fall of 1940 and it started up slowly, over a year after the outbreak of war. That was because, as I said before, there was a new process for the production of acetylene and this process presented much difficulty in its infancy, but it was more economical, and since we were thinking only of our technical improvements and progress we adopted this difficult but promising process.

Q If I may sum up your testimony, I have, no doubt, understood you correctly if I assume that you hold the point of view, that the production capacity to be achieved by Schlopau and Huels of a total of 70,000 tons per year conformed to all justified interests of German economy?

A Yes. I have not the slightest doubt of that.

Q Was the construction of Buna plants in Germany kept secret?

A No, certainly now. We called Schkopau, Buna-Werke, G.m.b.H., and that was entered in the Trade Register and published. Yesterday,

in presenting the books, you submitted a number of documents which were newspaper reports from the time, including a press visit of the technical literary society in Schkopau. Also the construction of Huels was generally known, although this firm was not called Buna-Werke, G.m.b.H., but Chemische Werke, Huels, (Chemical Works Huels). Nevertheless, it was quite generally known in the Ruhr that it would be a Buna factory. One cannot keep such big construction projects a secret.

Q Did foreign countries learn of this project?

A Yes, of course. I talked to all my friends abroad about it. The first document in Book 4, Document 111, is an excerpt from a lecture of Dr. Konrad at the International Congress of Chemistry in Rome, May 1938. I myself was then head of the so-called Section "Chemical Industry" and held a lecture in which I spoke on general chemical problems and, of course, I mentioned the new method of obtaining synthetic rubber, although not at any length.

Q Was that in Rome?

A Yes, that was in Rome, too. In 1939, in Paris, Dr. Ambros made a speech before a scientific society. He will read that document himself. My business friends in America and England, too, were constantly kept informed of our advances in the Buna field. I saw no reason to keep these matters secret.

Q In your testimony so far, Dr. Ter Meer, we have heard little about whether the Wehrmacht had anything to do with the development of Buna. Perhaps you will tell us about this.

A Yes, of course, the Wehrmacht was very much interested in Buna and participated in the development of Buna, especially through the tire experiments which were performed.

Q How was the interest of the Wehrmacht shown in detail?

A In the two exhibits of the Prosecution, 95, NI-8136, Book 28, and Exhibit 547, NI 7241, Book 28, there are several discussions at the Army Ordnance Office and visits of representatives of the Army

Ordnance Office to Farben plants, specifically in 1933 to 1935. I believe that I need not go into that here.

Q Perhaps, one more question. In offering Exhibit 95, the prosecution said that this exhibit was to show all the meetings of various heads of I.G. Farben with some of the highest representatives of Hitler and many leaders of the Reich Government. The prosecution has inferred from that that this document has probative value regarding Paragraph 19 of the indictment. In reading the document, I did not see that this contention of the prosecution was confirmed. Perhaps you can explain this.

A What is Paragraph 19?

Q Aggressive war, Buna; that the development of Buna was preparation for aggressive war.

A I have described the cooperation with the Wehrmacht. I intend to go into more detail in describing this question. Perhaps you can ask this question later. But I can tell you now that the negotiations with the Wehrmacht authorities were much less numerous, than the negotiations with the Economic authorities or with authorities dependent on the Reich Ministry of Economics. I myself can say that I never negotiated with any important men of the Army or the Army Ordnance Office. I knew the head of the Army Ordnance Office, General Liese. I didn't meet him until 1938, however. We discussed some private affairs, but no questions specifically dealing with Buna, although he probably said "How's Buna going?" Everybody was asking me that at the time, and I met General von Blomberg personally when, in 1933 or 1934, he visited the big plants on the Rhine. He was in Ludwigshafen. He came to Frankfurt one day. He inspected the Hoechst dye stuffs plants in the morning, visited Lautenschlaeger, gave a very long interesting talk about pharmaceutical products, and then he had lunch with us in the big administration building in Frankfurt. Buna was not mentioned. He visited Leverkusen the next day, and I am sure that he looked at the Buna experiments, but I

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never had anything to do with negotiations with these men or with General Lissé's successor, General Becker. In the Army Ordnance Office we always negotiated with the head of the rubber department. That is that department of the Army Ordnance Office, which was in charge of the products needed for military rearmament in which rubber was used. There are quite a number of such products. These men were in touch with us.

Q What was the cause of these various visits and what was the subject for discussions of representatives of the Army Ordnance Office with Farben?

A The talks with the two men of the Rubber Department I just mentioned, Major Philips and Dr. Hagermann, referred primarily to experiments which the Wehrmacht wanted to undertake with Buna tires. At that time we did not have any regular production yet. We had only experimental installations in some of our plants. We were selling experimentally produced Buna at five marks a kilo at the time. That's five times the price of natural rubber. The process was so difficult that finished tires were extremely expensive, and so we took advantage of every opportunity in order to interest the authorities in Buna tires and to get them as customers, because this would supply us more material for experiments. Thus the Reichsbahn helped us and the Post Office and the Berlin Bus Company and last but not least, the Army Ordnance Office.

Q Were these tire experiments successful?

A These tire experiments doubtless promoted the incorporation of Buna into tire production. Tire experiments are costly and the German tire industry was not adapted to carry out such experiments. Later in America, the big American tire companies were prepared in quite a different way in this field and carried on experiments on a much larger scale than was done in Germany at that time.

Q Did the Army Ordnance Office, in addition to these experiments, take an interest in production?

A One cannot answer that with one word. As the documents show, and I refer to Exhibit #546 of the Prosecution, NI-4713, Book 28, German page 6, English page 5. The Army Ordnance Office in the beginning, about 1934 or 1935, probably had the intention of intervening in this matter very intensively. In this Prosecution Exhibit, a number of discussions are mentioned, either of Major Philips or Mr. Hagemann with Farben people. Mr. Hagemann said in Leverkusen January 1935,

that the production of synthetic rubber is no longer a problem of foreign exchange but has become a military political problem. Production and processing costs are of no significance at the moment. One month later Major Philips said in Berlin at a meeting, and I quote: "Major Philips explained again that the Wehrmacht demanded absolute leadership in the synthetic rubber question." In the same meeting the statements are: "The aim was that the entire peacetime consumption by the Army of synthetic rubber be covered. There's time to set up this production. If Mr. Keppler does not agree, then Minister von Blomberg would build his own factory." For once, it is stated here directly. But in the same year, 1935, there was another report in the same exhibit, which says, and I quote: "The peace-time need of the Wehrmacht for rubber was highly over-estimated before. It amounted to only a fraction of 2000 tons per month (50 tons per month). Philips denies that the pressure for immediate construction of the rubber factory, at the time of the Party rally in Nurnberg, came from the Wehrmacht." It seems to me that these quotations show that the Wehrmacht in 1935 had highly over-estimated its requirements, but later, when they saw how little it actually was, another policy was adopted. Besides one can state that the production of the raw material such as natural rubber is not the affair of the Wehrmacht. From Prosecution Exhibit 97, NI-6194, Book 29 German, page 128, English Page 76, one can see, and the Reichsgesetzblatt is mentioned, that the entire economy of rubber, which includes Buna, was in 1934 assigned to the Reich Ministry of Economics. You will now understand that I cannot answer your question with "yes" or "no". In the beginning apparently such ideas had been conceived but later they were no longer held.

Q After the matter of Buna had been assigned to the Ministry of Economics, did you discuss production questions with the Army Ordnance Office?

A After that time no production matters were discussed with a

member of the Army Ordnance Office, by us, since the negotiations were carried on with other authorities. I am sure the men inquired what the position was, but they no longer conducted the negotiations with us.

Q The Prosecution has offered as Exhibit 552, NI-4626 in Book 26, page 92 of the English, 133 of the German, a letter from Dr. Kuehne about statements of Col. Phillips about the construction of the Schkopau and Huels Buna plants. What do you have to say about this letter?

A In this letter Dr. Kuehne writes me that Col. Philips had severely criticized the construction of the second plant at Huels and he had told Dr. Kuehne that the Army Ordnance Office refused to admit that the Army Ordnance Office had in any way caused the construction of the second Buna plant. The construction was considered hasty and risky. From my answer, which has been introduced here as Exhibit Tar Meier # 167, I may perhaps quote one passage briefly. That is the letter which I wrote Dr. Kuehne afterwards.

Q This is in Book 5, page 62.

A I quote: "The difference of opinion cited by Lieutenant Col. Philips noticed between the Army Procurement Office and the Raw Materials Staff, regarding buna Production can be explained by the fact that the Wehrmacht, realizing the existing difficulties in production and processing, is reluctant to hurry things too much, especially since it has an interest as a consumer in seeing that synthetic material be introduced with as little friction as possible. With the Raw Material Staff, however, the question of economizing foreign exchange takes first place and is especially urgent in the case of rubber, since foreign exchange in cash is needed for this. At the same time the continuation of the government's motor vehicle program and the continued employment of the automobile industry and its sub-contractors is dependant on the procurement of the necessary quantities of rubber. Consequently, the speeding erection of Schkopau and a second factory

will be placed at the head of the entire Four Year Plan as an urgent minimum requirement." This document, from the year 1937, is interesting in that it shows the aims of the Four Year Plan as I looked at them at the time.

Q The Prosecution has offered a letter which you wrote in October 1938 to State Secretary Brinckmann in the Reich Ministry of Economics. Will you please comment on this letter?

A This is Exhibit #563 of the Prosecution, NI-4717, Book 29, German page 34, English page 11. I do not know exactly what the occasion for this talk with Mr. Brinckmann was, but in the report of the meeting which has been submitted by the Prosecution, several subjects were discussed. I would assume, however, that I wanted to talk to him at the time about my trip to America which I was about to take. I remember this talk very well, as it took place after a supper that lasted until late at night. On this occasion I learned that State Secretary Brinckmann, who previously had been one of Schacht's close collaborators, and who, after Schacht left the Reich Ministry of Economics held an important position there, was now completely uninformed about the whole subject of rubber synthesis. I know only too well that, oddly enough, he thought rubber synthesis was something like a stand-by plant for possible eventualities and perhaps that buna was poor but perhaps useful as a substitute in emergencies. I took great pains to explain to him what was behind buna, and that I saw in buna synthesis something entirely different, that buna was not so bad and that the expected price developments would be regulated too. It was in the fall of 1938, and I told him that the processing question would be solved, too, and that is reported in the second paragraph of this letter. The question closes with a sentence in which I expressed somewhat ironically that Brinckmann, should, in the future, not be governed by the military points of view. I asked for his support in possible future steps of the government on the question of buna in the sense that the best and most economical processes be used

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in each case, and that, as long as certain processes used by us were not yet ready for production, no pressure should be exerted on us for the construction of another factory.

THE PRESIDENT: I think, Dr. ter Maer, if that completes your answer for the time being, the Tribunal will rise until 1:30.

(A recess was taken until 1330.)

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

MR. SPEECHER: Mr. President, on 25 November 1947 the Prosecution filed its first motion to correct the English transcript. I have here a communication from Dr. Mueller, the attorney who acted as general administrative officer for the defense dated 13 January 1948 which states that the defense has no objection to the proposed changes in the English transcript except to Item 211 which is the last of the items in the entire motion. The defenses' suggestion there is absolutely correct and we have incorporated the defense's suggestion as to Item 211 in a second motion of the Prosecution to correct the English transcript which I would now like to file with the Secretary. This second motion covers the pages between 676 of the English transcript and 1337 of the English transcript. It's dated 13 February 1948. Because of the administrative back-log in mimeographing, I won't have mimeographed copies for everyone for several days but I can file the carbon copy of the stencil with the Secretary at this time. One copy has already been given to Dr. Mueller for the defense.

THE PRESIDENT: We take it that the motion to correct the record filed as of 13 February has not yet been approved by counsel for the defense?

MR. SPEECHER: That's correct.

THE PRESIDENT: Then the record may show that the motion of the Prosecution to correct the record bearing date 25 November 1947 is sustained by the Court except as to Item 211.

DR. HOFFMANN: Dr. Hoffmann, counsel for the defendant Ambros, Your Honor, I should briefly like to bring a matter to the attention of the Tribunal. The Tribunal will remember the testimony of the witness called Pfeffer, who testified here on behalf of the defendant Ambros. A witness who was also present at the time was a certain Montpellier, who is a German and is at liberty. In the case of the defendant Ambros I have had this Montpellier found and I have taken an affidavit from

him. The Prosecution on their part has also called this witness Montpellier here and has interrogated him which is quite proper and in order. This witness Montpellier, however, who is at liberty, has informed me that after this interrogation he was forbidden to talk to me. That, your Honor, I believe is not in accordance with the principle according to which each party, prosecution as well as defense, is at liberty to speak to every witness. I attach no particular importance to this specific case because I have nothing against the Prosecution interrogating this witness but arising from considerations of principle I do not believe that it would be helpful to ascertain once more that in the case of witnesses who are at liberty such a limitation is entirely inadmissible. I should like to ask for the assistance of the Tribunal in that matter.

MR. SPEECHER: We can only subscribe to the principle as it has been announced by Dr. Hoffmann. I don't know if the Montpellier case at all myself. If by any type of misunderstanding any of our representatives have offended I shall take the required action to see that the matter is set right again and I appreciate any such things called to the attention of the Prosecution at any time. I certainly was not aware of it and (?) I would be glad to talk to Dr. Hoffmann to try to straighten it out. That, I think, concludes the matter.

THE PRESIDENT: The Tribunal will assume that no action on its part is necessary at this time. If any difficulty does arise you may call it to our attention, doctor. You may proceed, counsel.

PAUSE THE REAR (continued)

RE-DIRECT EXAMINATION (resumed)

BY DR. BORNEMANN:

Q Dr. Bornemann, counsel for the defendant ter Meer. Dr. ter Meer, before the noon recess you have made some statement with respect to a letter which you sent in October 1938 to Under-Secretary of State Brinckmann in the Reich Ministry of Economics. You had not yet concluded this explanation of this letter and would you, therefore, be

good enough to continue?

A At the end of this letter a statement is made about the proposed location of a plant at Fuerstenberg. This question has been particularly emphasized by the Prosecution when they presented their evidence. I believe that I have already mentioned that this project Fuerstenberg as a planned third plant had already been mentioned during the negotiations in the Spring of 1937. Dr. Ambros and I were at Fuerstenberg at the time and we were not at all satisfied about the entire industrial prerequisites for the plant of Fuerstenberg. We suggested to the Reich Amt that if a plant is to be built in the East it would be more advantageous to us to move closer to the Upper Silesian Coal. On that occasion the representative of the Reich Office for Economic expansion, who at the same time was an official of the Reich Ministry of Economics, Dr. Eckel, had told us "no". In the Upper Silesian terrain no four-year plan plants are to be erected because this terrain as a deployment area. I heard that and I have brought it up during the discussion with Mr. Brinckmann.

Q Did you understand that in the sense of a planned aggressive war against Czechoslovakia?

A No, that had nothing whatsoever to do with an aggressive war. One need only read what the letter goes on to state it and one must only imagine oneself into the position at the time. It was a few weeks after the Munich agreement and the Sudeten German question had been settled peaceably. An Army, after all, needs that a deployment area for defensive as well as offensive purposes. My attitude is illustrated in that letter which at the time was the same as of Dr. Brinckmann about the treatment of the Czechoslovakian question. Economic considerations are mentioned in the letter which will bring about long range political and military consequences. That can only be interpreted in one sense, to wit: as a result of the economic co-operation between Germany and Czechoslovakia, the basis for a future amicable political collaboration has been created. In order to demonstrate that this had

nothing to do with the military considerations may I point to my proposal, choose the location in the Sudetenland territory instead at Fuerstenberg which, after all, is very close to Czechoslovakia. That shows what I thought at the time and how I meant that remark. Since the word Fuerstenberg has been mentioned let me say something in supplementation; according to my best recollection from the time of the beginning of 1937 until the decision was reached to build a second buna plant, six different locations were being considered. Various locations had been investigated in Germany upon request of the Reich Office for Economic Expansion, and Dr. Ambros personally or through his associates investigated all these locations but he had to find out that in most cases not all of the prerequisites existed which were necessary for the construction of a large scale buna plant, these are coal, water, proximity to calcium, cheap power, etc. We have investigated all these various suggestions and we really did not mind that because this relieved us of our immediate agreement to the construction of a plant at Fuerstenberg and that was really in accordance with our economic considerations at the time and as it happened Fuerstenberg was never constructed.

Q. The prosecution, toward the end of their presentation of evidence, submitted Exhibit 1571, HI 11106. That was a document which constituted a file note of the Reich Office for Economic Expansion dated 14 April 1939. In this file note mention is made of political reasons which made necessary the expansion of bun production up to hundred thousand tons per year. Do you remember this matter, Dr. ter Meer?

A. Now I may try I cannot remember what specifically was said in that meeting about that point. I don't know what political reasons there were which Dr. Eckel may have mentioned, and to which I am supposed to have agreed according to this note. I do remember one thing however. I do remember that in the Spring of 1939, after the march into Czechoslovakia, and after the naval agreement with England had been revoked, anxiety prevailed in Germany that the British and the other European nations allied with them would, perhaps, impose sanctions upon Germany as it had happened previously in the case of Italy. That, of course, would have brought Germany into an extremely difficult situation, since in view of the scarcity of foreign exchanges there were no reserves in the country and there would have been terrific scarcities of raw materials and food. It is quite possible that Dr. Eckel hinted at such matters and that I recognized the consequences as he demonstrated them as being correct. The fact that Dr. Eckel mentioned expressly brings me to one far more obvious conclusion. Why does Dr. Eckel include this remark and my alleged agreement to it into a memo concerning chemical and engineering matters? He had the order or the desire to credit me with respect to an agreement for an increased bun production since up to that time we have succeeded in directing the development according to our economic points of view and therewith put off the government with respect to their urgency and their interest in erecting new bun plants. But I can't tell you anything definitely. These are merely assumptions as to how the matter might have been.

Q. This morning you briefly mentioned Elias, the expert witness of the prosecution who has also commented on buna when he was examined. Mr. Elias's views were that buna, in comparison to natural rubber, was so uneconomical that only military considerations can be assumed. Mr. Elias furthermore repeated the point of view that Germany, at the outbreak of the war, only had rubber reserves enough to last for 2.4 months and therefore had to rely upon the synthetic rubber production of I. G. Farben. What can you say about that?

A. With respect to the first point, about rubber production in Germany being economical or not economical I have already made a detailed statement this morning which I don't have to repeat. With respect to the second point, let me refer you to the production chart of Dr. Struss. That is my Exhibit 124 in Book 4. There it is shown what the production in the year 1939 and 1940 was. In Book 5, in the last document of Book 5, there is an affidavit of Dr. Wulff, who was then the head of Schkopau. This became Exhibit 172. Here Dr. Wulff confirms that at that time the capacity for buna at Schkopau had been exploited to the full extent. One can see from that fact that even from the point of view of capacity no more could be produced. With respect to the demands during wartime, one can draw a clear conclusion from Document 168, Book 5.

Q. You mean Exhibit 168, Document 228, page 64.

A. This is the excerpt from the memorandum of Oberleutnant Hodler already submitted by the Prosecution about the supply situation in wartime with respect to rubber. On page 69 the quotas for April, May and June 1940 are mentioned. They are all somewhat near 6,000 tons—5,835, 5,700, 5,680. That brings us to a consumption of approximately 75,000 tons per year. As compared to that there was a production capacity of 20,000 tons in the year of 1939, and in the year 1940 of 40,000 tons. Therefore no mention can be made of any meeting of wartime demands. In addition, let me point out that buna alone was not sufficient

for any work at the time. On page 68 of the same report a chart is included which shows that most of the articles at the time had to be produced partly with artificial rubber and partly with natural rubber. In many cases natural rubber had to be used at a ratio of 50 to 50. How then can you say that the military demands were safeguarded through buna, because this chart concerned essential military requirements.

Q. In addition to this purely military demand, was there also a civilian demand?

A. Yes in addition there was a considerable civilian demand because even during the war buses had to be supplied with tires in order to bring workers to their place of work, in order to maintain transportation in large cities. Naturally, lorries had to be supplied with tires for internal transportation and a great number of technical rubber goods had to be delivered to the various industries, for instance, in chemistry we need a lot of apparatus which needs rubber which has to be added as a demand.

Q. If I understand you correctly that is not contained among the 70,— tons per year.

A. According to that list we are here concerned with purely military requirements.

Q. How then was the rubber demand met during the war when the outbreak of the war there were no reserves in the country or practically no reserves?

A. The demand was met during the war only because in the territories of the West, the territories which were later occupied by the German Army in Belgium and Holland and France, we succeeded in getting large quantities of natural rubber. That you will find in the same Exhibit 168, Book 5. I quote: "The situation in April 1940 was alleviated a) by increased import, b) the increase of buna production and c) the exploitation of the booty found in the occupied terri-

ories." With respect to the year of 1941 it says, and I quote:
"The Fuehrer ordered that additional purchases of natural rubber and
for tires, 40,000,000 Reichmarks in foreign currency have to be made
available." Furthermore it is stated: "Through the Armistice which
26,500 tons of natural rubber are to be delivered from Indo-China to
Germany and Japan, 77,800 tons from unoccupied France for Germany,
making 34,300 tons of natural rubber." We see quite clearly that
neither in the year of 1940 nor in the year of 1941 the German mili-
tary rubber demand could be met by buna production. We see that
considerable quantities were met through import. Transport was effected
partly over Soviet Russia, partly through the penetration through
the blockade. I know that transposts to a considerable extent actually
arrived in Germany during these years.

Q. What is your attitude toward the prosecution's assertion in their trial brief that Germany had had difficulties when the war broke out with respect to their rubber supply?

A. This sentence was quoted by summarizing a Targot passage from Prosecution Exhibit 97, III 6194, Book 29, page 152 in German and page 89 of the English text. In my opinion, the quotation was not correct. The quotation reads; It is entitled: "Transition to War Economy.

1. On the whole, the transition to war economy was effected almost without a hitch in the first stages. Most of the plants had at their disposal a sufficiently large stock of raw materials which, in spite of difficulties caused by the outbreak of the war and the decrease in supplies owing to war traffic, enabled work to continue sufficiently to keep employees and workers employed."

This quotation only talks about the lack of friction during the transition from peacetime economy to war economy. Everything had been settled with respect to rubber. The stocks had been distributed to the various factories, etc. But how the situation really was in Germany with respect to rubber supplies, is stated by the same author, on page 155 of Document 168 of Book 5 where it says that the available reserves of natural rubber and Buna were sufficient for only 2.4 months.

Q. Were there any military considerations of importance when choosing the location of Huls? I raise this question because in our Document Book 5 Ter Meer we have included as Document 229, Exhibit 169, an affidavit of Mr. Meyer, together with a map where the point is marked where Huls was located.

A. I don't think any better proof could be found that no military considerations were decisive in the choice of the location of Huls. At any rate, not in relation to our western neighbors. The plant Huls, as I already told you before, for reasons of coal, etc., was constructed at that site and was located at a distance of approximately twenty-five English miles from the Dutch frontier.

In case of war it would have been a simple thing for the RAF to fly over Dutch territory and to destroy this plant within 5 or 10 minutes distance from the Dutch border and that is what actually happened in the year of 1943. Considerations of military nature could not have been decisive in the year of 1938 when the plant was constructed and in relation to England and the Western Powers.

Q. You have described the development of the Buna production and the rubber synthesis up to the outbreak of war in Germany. What can you say in summary? What is your summary conclusion from that development?

A. I draw very clear conclusions and I never thought anything else. The rubber synthesis in Germany at that time was never considered by us anything else but a purely scientific technical and at the same time commercial development of our firm which was based upon purely economic considerations on the one hand, and which was promoted by the government's policy with respect to the employment in the country and the saving of foreign exchange. In addition to these two large motives of the Reich Ministry of Economics there naturally was also a requirement in Germany, but this requirement caused only a very small consumption in peace time and war requirements were not met, as I have proved to you by giving you figures. From that I draw the very definite conclusion that not even the Wehrmacht expected war. I personally much less so.

Q. What happened after the outbreak of war?

A. After the outbreak of war we saw that the rubber demand of Germany was not at all met and the authorities now urged the expansion of the rubber factories. The project Fuerstenberg which, at any rate, we had combatted, was given up and for purposes of expediency additional capacities were created at Schkopau and Huels which increased the capacity of both these plants from 70,000 to 100,000 tons per year.

Q. Didn't the Reich also want to construct a plant in the east of Germany?

A. Yes. After the conquest of Poland, the prohibition, which up to that time had existed, with respect to the construction of factories in Silesia was rescinded. We were ordered to investigate the location of a

factory in the Upper Silesian terrain. Dr. Ambros and I, at that time, investigated all the locations in question on the Oder between the actual coal area and the city of Breslau and we thought that a certain place called Rattwitz near Breslau was most favorably located. That meant that we were located close to the Oder, a river which could be used for transports during the summer and on which coal and calcium could be shipped to us further more its applied us with the water needed for the plant, and we thought that because of the proximity of the large city of Breslau we would receive assistance from the machine and building factories located there. But when, in the summer of 1940 the war situation in the west was favorable the work on that plant ceased by order of the Berlin authorities.

Q. Was that the reason for a construction in Ludwigshafen in the fall of 1940?

A. Yes, to a certain extent that's true. A few months later the government had to realize that peace would not come about and then the government tried to continue its construction program with respect to Buna. Since the plant had been started near Breslau and was stopped again and since one had thus one year had been lost a technical proposal on our part was adopted to put into effect a process, the so-called Reppe process, at Ludwigshafen. This Reppe process had the advantage that investments were somewhat lower and it furthermore had the advantage that we could later make a transition to peace time production. That is, not with regard to Buna only concerning other production because another chemical basis was given in that instance. Even during the war we still remained economists and we tried to have everything managed according to economic principles and that is why we started to build in Ludwigshafen in the fall of 1940.

Q. And how about the construction of the last Buna plant of Auschwitz? In that connection would you please limit yourself only to those points of view which are in connection with Buna production. Do not mention any points which are of any significance with respect to Count Three of the Indictment.

A. I shall briefly reply to that question. During the negotiations in Berlin it had been considered to increase production in Fuels in addition to Ludwigshafen. Misgivings were raised in Berlin, however, because of the geographic location of Fuels. After all, we were at war and the suggestion was made once more for a plant in the east. We were against the construction of such a plant in the east and opposed it as much as we could. We didn't want to start once more a large scale plant in the east and that at the end of the year 1940. But at that time an order was given by the Reich Ministry of Economics or the Reich Office for Economic Expansion and we just had to look once more for a suitable location. Then, under circumstances - and that Dr. Ambros will show you exactly how it came about according to charts and schedules - the Auschwitz plant was finally chosen. I was in charge of negotiations in Berlin with respect to Auschwitz and, on the 6th of February 1941, as it is shown in Document Book 72 by the documents submitted by the prosecution, the final decision was reached to go to Auschwitz.

DR. BORNHEIMANN: That concludes the examination of Dr. Ter Meer with respect to Buna development in Germany. I now intend to present evidence with respect to the development of Buna in the United States in relation to I.G. Farben. I should like to ask the Tribunal whether, in the meantime, the Document Books 6, 7, 8, and 9 are available to the Tribunal?

THE PRESIDENT: We have 6, 7 and 9. 8 is not yet available. According to the information I have, I think it's doubtful whether we get 8 today in time for use.

DR. BORNHEIMANN: Perhaps I could begin to submit Volumes 6 and 7.

THE PRESIDENT: Very well.

DR. BORNHEIMANN: I think that up to the time of the recess Volume 8 will have arrived.

DR. BORNEMANN: Books 6, 7, 8 and 9 deal entirely with the negotiations and relations of J.G. Farben with American enterprises concerning Buna production and development.

In Document Book 6 there are contained affidavits which describe the manner of the negotiations. As the first document in Book 6 we have Ter Meer 101, which I offer as Exhibit No. 173. It is an excerpt from a document of the Prosecution, NL-9784, which has been offered as Exhibit 57 in Book 3 of the Prosecution.

THE PRESIDENT: Now, counsel, may we suggest once more that if it is your intention to interrogate the defendant Ter Meer with respect to these documents, there really is not much necessity for any extended explanations from counsel.

DR. BORNEMANN: My intention is to be very brief, your Honor.

THE PRESIDENT: Very well.

DR. BORNEMANN: A number of documents will be presented now which have been drawn up by associates of Dr. Ter Meer. These are: Documents 102, Exhibit 174; Document 103 is an affidavit by Dr. Ter Meer himself. This includes a report which Dr. Ter Meer submitted on the 26th of November, 1945, to an American gentleman. We are concerned with Mr. Lasky, chief of the Decartelization & Planning Branch in Frankfurt. This will be Exhibit 175.

Document 104, Exhibit 176, is an affidavit of Dr. Oskar Loehr, who has been an associate of Dr. Ter Meer's for many years, especially with respect to his negotiations with American firms.

Document 105, Exhibit 177, is an affidavit of Dr. Friedrich Ringer which also deals with collaboration with

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Standart Oil in the Buna field. And then we come to 106, Exhibit 178, an affidavit of Dr. Stoecklin with respect to tire experiments which were undertaken in 1934 with Buna-N with the firm of General Tire & Rubber Company, in Akron, Ohio. In addition conferences are mentioned which followed in later years with representatives of American firms, at Leverkusen.

We now come to Document 107, which is Exhibit 179. This is an affidavit of Dr. Albert Koch on his trips to U.S.A. in the years 1938 and 1939 in order to carry out tire tests agreed upon between I.G. and American firms.

Document 108 I shall submit as Exhibit 180. This also is an affidavit of Dr. Albert Koch which identifies a memorandum which he submitted to the American firms in order to inform them, on the occasion of his journey in 1939.

We now come to Document 109, which has Exhibit No. 181. This is an affidavit of Dr. Carl Wulff on experiments made in Ludwigshafen for the production of butadiene from butane imported from the U.S.A. These experiments took place in 1930.

We now come to Document 110 which will have Exhibit No. 182. This is an affidavit of Dr. Baumann on the collaboration with Standard Oil on the four-stage process for the production of butadiene. These are negotiations and experiments dating back to 1930 and 1931.

We now come to Document 111. This is an affidavit of Dr. Adolf Cantzler including some attachments. This I offer as Exhibit 183.

The next document will become Exhibit 184, Document 112. That is an affidavit of Dr. Ernst Struss on expenditures for the experiments in the Oppau plant from the

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years 1937 to 1939. This affidavit is in supplementation to the affidavit of Dr. Centzler which has been offered as Exhibit 183 just now.

Document 113 will receive Exhibit No. 185. It is an affidavit of Dr. Nikolaus Roh.

The Document 114 will receive Exhibit No. 186. It is an affidavit of Dr. Walter Daniel.

This concludes the presentation of all the documents in Document Book 6.

Document Book 7 follows. Books 7 and 8 contain correspondence and remarks and notes on negotiations. They are to confirm the statements of Dr. Ter Meer himself and the statements of the affiants in Document Book 6.

Document Book 7 starts with Ter Meer 115, which is a letter by Dr. Hochschwender to Dr. Ter Meer, dated the 11th of October, 1939, concerning the conclusion of an agreement between Yasco and General Tire & Rubber Company, Akron, Ohio. This will receive Exhibit No. 187.

Document 116 is the just-mentioned agreement between Yasco and General Tire & Rubber Company concerning experiments with Buna. This agreement is offered as Exhibit 188.

Document 117 will be Exhibit 189. It is an order given by the Advance Solvents & Chemical Company, New York, with respect to Buna delivery, dated January 1944.

The next document, 118, will be Exhibit 190. This is a letter of the Chemnyco Incorporated, New York, to the Kautschuk Laboratories, Leverkusen, dated 9 May 1934, including a summary report on the tire experiments with Buna-N of the General Tire. This report has only been mentioned in the index because it was too extensive to be included in the document book, and did not seem to be relevant enough to be included in its entirety.

The next document, 119, will be Exhibit 191. This is a report on the conference in Leverkusen concerning the result of the experiments conducted by General Tire in the year 1934.

Then I come to Document 120. This will receive Exhibit No. 192. This is a letter of Ter Meer's to Dr. Konrad concerning a conference with the gentlemen Protto and Ewing of the firm Dupont of the 13th of July 1934.

As Document No. 121, Exhibit No. 193, we have an affidavit of Dr. Oskar Loehr with a report on the conference which took place on the 4th of October, 1935, between Howard, Ter Meer, Hochschwender, Loehr at the Standard Oil Company. On the occasion of this conference Dr. Ter Meer explains initially that the production of substitute materials for materials which up to now were imported which was forced upon Germany on account of the lack of foreign exchange had the results that the production of synthetic India rubber was seriously taken into consideration. With regard to the situation in the U.S.A., there is no need to take into consideration the point of view of lack of foreign exchange for the supply of natural rubber. The rubber problem in the U.S.A. has to be considered exclusively from the point of view of private enterprise.

The next document will be 122, Exhibit 194. This is also an affidavit of Dr. Oskar Loehr concerning discussions in Wilmington on 11 October, 1935.

The next document, your Honor, is Document 123 and it will be Exhibit 195. This, again, is an affidavit of Dr. Karl Loehr in which a file note referring to several discussions conducted in the U.S.A. in October and November 1935 is identified.

Document 124 also, which will receive Exhibit No. 196, is an affidavit by Dr. Lochr which discusses a conference with Dr. Frolich, Standard Oil Company, on the 29th of October, 1935. One sentence may be quoted: "Ter Meer suggested that in Bayway as well as in Oppau experiments for the production of butadiene should be started on a large scale."

Document 125 will follow, which will receive Exhibit No. 197. This is again an affidavit of Dr. Lochr in which a report on a conference in Wilmington on 4 November 1935 is identified.

As Exhibit 198 I am going to submit Document 126, a letter of Ter Meer's to Howard, dated 8 November, 1935, in which the writer reports on the conferences in Wilmington.

The next two documents -- 127 and 128 -- are connected with each other. One hundred twenty-seven will receive Exhibit No. 199, which is a letter of the Reich War Ministry to the Reich Plenipotentiary for Rubber and to I.G. of the 14th of September, 1936, with an attached file note on the conference at the Military Economy Staff on 10 September, 1936. It is being stated that "the exchange of experience with foreign firms about processing of synthetic rubber is to be prohibited."

The Document 128 which I already mentioned and which I am offering as Exhibit 200 is a letter of the TEA Office to Chemnyco of 21 September, 1936, in which the Chemnyco is informed of the prohibition mentioned above.

As Exhibit 201 I offer Document 129, a letter by Mr. Howard to Chemnyco, dated 6 November, 1936.

The next will be Document 130 which will receive Exhibit No. 202. It is a letter from Ter Meer to Konrad dated 24 February, 1937. In this letter Dr. Ter Meer tells his associate Konrad that he would undertake the responsibility towards the authorities in connection with our discussions with the gentlemen from Dupont as well as in connection with the visit. This document is in connection with the documents already submitted: Exhibits 199 and 200.

The next document, Your Honor, will be Document 131, which will

receive Exhibit No. 203. This is a note on a conference in Frankfurt on the 8th of September, 1937. Present were Howard, Hochschwander, Ter Meer, and a number of others.

The next document, your Honor, will be Number 132 which will receive Exhibit No. 204. This is a teletype from Kuehne to Konrad dated the 25th of January, 1938. Dr. Kuehne informs Dr. Konrad about a telegram which he had received from New York.

The next is Document 133 with Exhibit No. 205. We are concerned with a letter of Dr. Koch to Konrad from New York, dated the 2nd of April 1938.

Document 134 I shall offer as Exhibit 206. This is a letter from Mueller-Conradi. He is one of the associates of Dr. Ter Meer in the Buna field. It is directed to Dr. Ter Meer dated the 21st of February, 1938 and it concerns the production of Butadiene.

The next is 135, Exhibit 207, excerpts from the transcript of the conference with Mr. Howard in February and March 1938 in Berlin and Louna.

The next will be Document -- I beg your pardon. This brings us to the end of Book 7.

THE PRESIDENT: Counsel, just a moment. There seems to be a little confusion among the members of the court with reference to the numbers assigned at the first part of your book 6. Will you check with me as to whether I have this correct?

Your document 101 I have as your exhibit 173, is that correct?

DR. BORNEMLANN: Yes.

THE PRESIDENT: One hundred-two as 174, and then following?

DR. BORNEMLANN: Yes.

THE PRESIDENT: Thank you. Very well, that is all.

DR. BORNEMLANN: And now, your Honor, Book 8 is missing, and I naturally can't submit it. I could start with Book 9 but that would confuse the exhibit numbers, and I don't know whether it would be helpful,

Well, only six documents are contained in Book 9 anyway, so we wouldn't gain too much time.

THE PRESIDENT: Are you ready to question the defendant Ter Meer with reference to the field covered by Books 6 and 7?

DR. BORNEHANN: That will be somewhat difficult because the documents of Book 8 will be quoted too -- or will have to be quoted.

THE WITNESS: Mr. President, I am prepared.

THE PRESIDENT: I suggest that counsel consult with his client.

DR. BORNEHANN: Let us try, Mr. President, shall we?

THE PRESIDENT: Very well.

DIRECT EXAMINATION - Continued

FRITZ TER MEER - Resumed

BY DR. BORNEHANN:

Q. Dr. Ter Meer, when describing your career and when you were questioned by Dr. Berndt, you already reported that for three years you were predominantly active in the United States and that also later you traveled there very frequently. What was your basic attitude towards cooperation with the firms in the United States?

A. Mr. President, may I ask a question before I start with my answer?

THE PRESIDENT: Go ahead.

WITNESS: I am in a somewhat awkward situation by the fact that I have no German books here and I have several times to quote from the original texts. Now this original text is English, ofcourse, so it would be easier for me if I can relate the whole story in English. Is that permissible?

THE PRESIDENT: It is entirely permissible with the Tribunal. I should like an opportunity to ascertain from the Translation Staff if that will occasion any difficulties... They say not. So you may proceed.

WITNESS: Thank you.

Now, my position with respect to conversation with foreign concerns

about technical questions and scientific questions has always been a very positive one. As well as science is international, I consider that technology and the execution of technical processes in the field of chemistry should be considered to be also international, and that it could be only useful for both partners concerned if they exchange their knowledge and experience.

I have always been of this opinion and I think I have contributed to a certain extent to follow up this maxim. There had been presented by the Prosecution the Exhibit No. 57 in which there is mentioned a conversation which gentlemen of the Dupont Company, of Wilmington, had with me in the year 1933. Dupont and I. G. Farben had been very strong competitors in the dyestuffs field in earlier years and the relations had been at the end of the Twenties rather difficult. Dr. von Schnitzler and myself had succeeded in overcoming these difficulties, and from that time on we have always discussed all technical or chemical or commercial questions between the two concerns in a very open-minded way.

I think I mentioned already that Dupont gave us in 1938 and '39 a license on their nylon patents. This cooperation is also a consequence of the friendly cooperation which had been started in earlier years. Dupont did not only offer us a license, but they underlined specifically that they wanted to have our cooperation in the nylon field too, because it was a certain strength of I.G. Farben to develop new processes in the field of intermediates which might lead to a cheaper production of nylon or to special brands of nylon in later years.

BY DR. BORNEHANN:

Q. Could you explain to me more in detail in what field I.G. Farben cooperated with the United States firms and what important contracts there were?

A. My counsel has introduced, under Exhibit No. 174, an affidavit of Dr. Loehr on agreement made between I.G. Farben and American firms. On the pages 4, 5, 6, 7, 8 -- no, 6-a, 6-b and so on -- 7, 8 -- are

enumerated all those agreements which have been made between I.G. Farben on the one side and American concerns on the other side. By these agreements I mean only such agreements where technical cooperation and an exchange of know-how was provided for. This was in the broadest possible way the case for dyestuffs and intermediates.

The contract between I.G. Farben and the Grasselli Chemical Cooperation of Cleveland, which I mentioned already yesterday. Agreements in the pharmaceutical field with American group of pharmaceuticals -- the Sterling Products Corporation, at Wheeling; an agreement on insecticides and fungicides between I.G. and Dupont Corporation; agreements in the photographic field with Agfa Ansco Corporation, Binghamton; the broad agreements which have been mentioned by Dr. von Knieriem with Standard Oil of New Jersey in the oil fields and in the Yasco field; and then the agreements on magnesium metal and magnesium alloys with the Aluminum Company of America.

Those are very broad agreements which do not simply cover one specific patent or one specific product, but which cover either a whole class of products like dyestuffs, pharmaceuticals, oil field, and so on; or in the case of magnesium cover a broad field in such a way that not only the manufacture of magnesium was in this case important but, even much more, the application and use of magnesium alloys in the various methods of application of such light metals, in which field I.G. had the largest experience, I may say, in the world, and paid special attention to developing special processes.

Besides the beforementioned agreements where in every case a broad exchange of experience and know-how and the transfer of patent rights was provided for, Dr. Lochr mentions not less than forty agreements in all fields of chemistry, among them so important ones like styrene, polystyrene, with the Dupont Company; urea resins with the Ellis-Foster Company; an agreement on acetylcellulose with the Hercules Powder Company, in Wilmington; an agreement on synthetic detergents, which serve as soap substitutes,

with Lover Brothers, at Boston; and even the famous Ferchlaron with the Pennsylvania Salt Company, famous because that is the base for Losantine.

This cooperation with all these American concerns has been continued until the day the war broke out, and even in some cases beyond. Alone in 1938 and following years not less than sixteen new agreements have been concluded which are contained in the before-mentioned forty.

In these agreements which have been made in 1938 '39, in the so-called crisis years, in Europe, are some which are really very important, for instance, one which covers the manufacture of phosphorus. Now everybody knows what phosphorus is, or the value of phosphorus in war time.

Not included in these agreements are a comparatively large number of agreements of small importance by which simply interferences in the patent field between I.G. and an American concern, were eliminated by a simple exchange of patent rights. These are not included here.

I must say that being a technical analyst with a certain knowledge in the chemical field, I could not tell where else we could have cooperated in America in the technical field. This is the broadest cooperation in the field of chemical industry, with a specific country in the world, I have ever heard about, and I don't think that there exists an American concern or an English concern which has a comparable amounts of agreements with the foreign concerns in the chemical industry.

Q It would be correct for me to deduce from your statements that I.G. Farben in no country in the world had concluded as many and as important contracts as with the United States of America?

A That is certainly true. And the reason is a very simple one. America is a very big country. It is rich in raw materials of all kinds. It has a large population with a high purchasing power, and has an industry which is, since the end of World War I, progressing very quickly, quite specifically in the field of applied chemistry.

Q Was the cooperation with I.G. Farben liked and supported by American firms; can you give me any examples there?

A Well, I should say so; the cooperation from American concerns with I.G. Farben was very much liked, and the reason was this, that the American concerns knew exactly that we carried on scientific and development work on a very large scale; they knew at the same time that I.G. dealt within the field of chemistry, in by far the largest number of important fields of new development. Beginning with the hydrogenation in the nitrogen field, until pharmaceuticals and photographic articles, so

many American firms who more or less specialized in a certain line of products, nevertheless found always some point of common interest with I.G. Farben, and therefore, very friendly cooperation developed besides Standard Oil, and our closer friends in the dyestuffs and pharmaceutical and photographic field, specifically with such important firms like Hercules Powder Company, Wilmington, Monsanto Chemical Corporation, Rohm & Haas Company, Pennsylvania Salt and others.

The cooperation of I. G. Farben with American concerns has been looked at in our own circles from a somewhat different standpoint by the Commercial and by the technical gentlemen; our commercial colleagues, of course, were more interested in exportations from Germany and importations into the United States, but that was not so very easy because the American Chemical Industry is protected by comparatively high customs duties.

On the other hand, progress in the chemistry field was a very quick one in America, so I was personally more of the opinion that a useful and, at length, profitable cooperation would better be sought in the field of an exchange of information know-how and patent rights.

Q Before we specifically turn to the Buna negotiations, Dr. ter Meer, I think it would be helpful if you at first explain some chemical concepts to us, which you are going to use later in your statement.

A It is certainly not my intention to lecture about synthetic rubber or some other field of organic chemistry. I have only put down on paper, and I hope it has been given to you, a certain number of names, merely, because from time to time I have to call the child by its name. It wouldn't do otherwise, and I have marked on that paper the outstanding brands of Buna, Neoprene, Butyl rubber. Following that I have named the outstanding intermediates, the key intermediates for the manufacture of synthetic rubber, that is Butadiene because I have to touch on Butadiene processes from time to time, and I have indicated that there were two quite different ways in Germany on the one side, and in the United States on the other side.

In Germany we had to synthesise Butadiene in a very complicated way,

starting with acetylene, which usually is made from carbide, but can also be made by other processes, and then we had to transfer this acetylene in a complicated matter. We call it the 4-step process which indicates there were four different chemical steps. We had to transfer the acetylene in Butadiene by this complicated 4-step process, one of the steps, being carried out at a pressure of 3000 pounds per square inch, and so the manufacture of Butadiene from Carbide and acetylene in Germany has an extensive process, and as I have mentioned this morning, called for large investments.

On the other side, the most practical process for the United States was to start with raw materials from oil or natural gas. Butane, Butylene indicates that there are closely connected with Butadiene only these processes were not available and could not be used at the early period of the cooperation between Standard Oil and I.G.

You will see afterwards that I started already experiments on the dehydrogenation of Butane in, I believe '29 or '30, but it was too early and Dr. Elias has himself testified here that according to his memory, the dehydrogenation of Butane and Butylene to make Butadiene, has only been carried out in the United States after 1940 or '41, so this process for the United States has been accomplished only much later, and one of the questions which seems to be entirely unknown to the accusation is just this; that the German process of making Butadiene and synthetic rubber has never been applied in America, not until today, and that the American process of making Butadiene has never been used in Germany, not until today, for the simple reason that Germany is poor in mineral oil and poor in earth gas.

I will show by my deposition here that we endeavored in the first years when we had nothing else to offer, to bring the German process, the 4-step process to the United States, but this idea had to be given up entirely in 1935 or 1936, for reasons I am going to indicate later on.

Then we had to start right anew and develop a new process on the basis of Butane and Butylene, and that is just the meaning of one reference

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my counsel made just before, that in a conversation at Bayway in the fall of 1935, I said that Standard Oil as well as I.G. Farben have to work on a new process of Butadiene from oil. Now, it took some time to develop that process, and when it was more or less ready in the year 1938, then I set out at once and tried to bring this development now to large production, large scale production in the United States.

Now, how this happened in detail, and why these conversations have come to an end, through the outbreak of the war, that will be shown later.

The two other rubbers which may be mentioned here and there, are the neoprene rubber, manufactured by Dupont, even earlier than the Buna brands in Germany. I have seen the first comparable small plant of Dupont in 1935, which had operated at that time already for a year or two, whereas I.G. Farben's first Buna plant at Schkepsau operated only from 1937 on.

Neoprene is manufactured from acetylene, that is to say, from carbide, and has, therefore, a certain relation to our Buna manufacture. Then you will probably recall that there was a development of Standard Oil, the so-called Butyl rubber, which has also played a rather important role in the years when the self-sufficiency...

THE PRESIDENT: Just a moment, there seems to be some difficulty. I think we will take our recess and during the recess perhaps we can get the mechanism to functioning again and we will undertake to locate the source of the pecking noise outside and see if we can dispense with that.

We will arise now.

(Tribunal in recess until 1515 hours)

(AFTER RECESS)

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION (resumed)

DR. FRITZ TER MEER

BY DR. BORNEMANN:

Q We will continue the examination of Dr. ter Meer. Dr. ter Meer, before the recess, began to explain some technical concepts, terms which will appear in the course of his further testimony. Will you please continue?

A Before the recess, I just mentioned the question of the Butyl rubber in the United States, a development of Standard Oil of New Jersey. Butyl rubber was invented by Standard Oil, I would say, about 1937 or '38, and this product is a derivative of all intermediates as butylene, and is worked into, I should say, a plastic or rubber-like content, by mixing it with a certain small fraction of butadiene. It is a rubber which cannot be used for tires, but which is for instance very good for insulating work.

Now this Butyl rubber also plays a certain role in the whole history between I.G. Farben and Standard Oil in those years, and I will refer to it later on.

With these products, and a very short reference to the processes involved, I think we can now go into the details.

Q After these explanations which I thought were necessary to explain the following testimony, we now come to the Buna negotiations in the United States. When and how did they begin?

A Well, the conversation about Buna must have been started when Professor Bosch and Dr. Knauch and Dr. von Knierim started their conversations on the so-called Yasoo agreement. I think it was in 1929. I was not present, but

I know that Professor Bosch told me later on that in the deciding meeting, about the Yasco contract, in which Mr. Teagle of Standard Oil and Bosch himself participated, he himself brought the conversation on the work of the I.G. Farben on synthetic rubber, and that Mr. Teagle accepted the proposal of Professor Bosch very enthusiastically, to include synthetic rubber in the field of the Yasco agreement.

Q Since Mr. von Knieriem has already spoken about the Yasco contract at some length, I believe it will not be necessary to go into that again, Dr. ter Meer, but please describe just your personal negotiations about Buna in the United States.

A Before I mention my personal conversations about Buna in the United States I must point out that in the earlier years the Sparte I of I.G. Farben carried out comparatively large proportions of our scientific work in the synthesis of Buna, and as the gentlemen of Oppau who carried out these experiments were told, through connections in the oil field in close cooperation with a certain number of technical and legal personalities of Standard Oil of New Jersey, - the first practical contact has been made through the gentlemen of Oppau with the Standard Oil people, and this is mentioned in Exhibit 182, the affidavit of Dr. Paul Baumann, a chemist of Oppau, who has been sent to America in 1930, in order to start there the first practical cooperation in the Buna field with Standard Oil.

He mentions on page 60 of Book No. 6, that "In the spring of 1931, Dr. Murphree of Standard Oil came to Oppau to obtain information on the spot as to the progress made in experimental work. Incidental to this a meeting was held by Dr. Mueller-Conradi, in Oppau, on the 4-stage process for the production

of Butadiene and Buna, respectively. I have written information on that discussion in my possession. At that time the emulsion-polymerization process was also discussed."

I do not want to continue reading the affidavit proper and I only want to mention that in the following years Dr. Baumann went over to the United States accompanied by a staff of 3 of his co-workers, chemists or engineers, and took his residence at Baton Rouge, and he started there the first step for the manufacture of Butadiene according to the German process, that is to say, the manufacture of acetylene in the so-called electric arc process.

As a source of raw material was used either earth gas or exit gases from the refinery, from the cracking process carried out in Standard's gasoline factory at Baton Rouge. The acetylene was then converted according to the 4 steps or 4 stage process into the other steps.

Now at that time something occurred which was not very fortunate for rubber synthesis. Owing to the prices, a very great overproduction of natural rubber came into appearance, and I think it was in 1932, when the lowest price for natural rubber ever quoted has been reached. This price was in the average of the year 1932, 3.4 cents per pound, and the lowest quotation in the United States was 2.7 cents per pound. An exhibit which indicates this price scale is in one of the later books, and will be introduced on Monday.

Now it is easily understandable that at the price of 3 cents per pound, one cannot make complicated synthetic products according to a process with 4 steps and a high investment, and all of the rest of it, so in the beginning, in the first 30's, the situation looked entirely otherwise than promising, and at that time I came for the first time

into contact with Mr. Haslam, who being a colleague of Mr. Howard, talked over with me certain aspects of Buna synthesis for the United States.

I had at the same time conversations with old Mr. Clark, who was at that time Vice President of the Standard Oil of New Jersey, and Clark being a chemist has often been together with me in the evenings, and we have talked about our common problem to bring out rubber synthesis in America on the basis of the Buna process.

Under the existing conditions which were everything else than promising, owing to the natural rubber price, we agreed at that time that it would not be a good thing to continue very expensive experiments in America as long as the experimental work carried on in Germany under different conditions, - autarky ideas, - went along in such a way that the result of that work would automatically be useful for the United States too. Nevertheless, certain steps were taken at that time wherever we saw that a problem interesting to both partners, Yaseo, and in the Yaseo agreement Standard Oil as well as I.G., showed up.

I have mentioned already beforehand that I had carried out at that time, experiments on the dehydrogenation of Butane and Butylene, and I think that was in '30 or '31. These experiments were started on the following basis. When being in the United States, I read in some industrial paper or chemical paper about the new achievements of the Phillips Petroleum Company, a well-known American concern, which exploited at that time a newly discovered earth-gas field. I think it was in the neighborhood of Texas.

This earth gas contained a certain percentage of Butane, and Butane being a liquid product at low temperatures, became

liquid in the pipe lines during the winter months, and then no gas could any more pass through these pipelines. Therefore the Butane had to be extracted beforehand by a freezing process, and this Butane was extremely cheap, and I had sent, at that time, some containers to Germany with Butane, and had started experiments at Ludwigshafen in order to dehydrogenise this Butane and to form Butadiene.

That is the process which you adopted from 1940-41 on, when you were obliged to make your own synthetic rubber owing to the events in the Japanese war, but as I mentioned before, it was too early that we started with that problem. It could not be solved at that time at Ludwigshafen and this work had to be discontinued.

There is an affidavit, No. 181 - Exhibit 181 - an affidavit of Dr. Carl Wulff, in Book No. 6, page 57, where Dr. Wulff testifies:

"As base material we employed, at first, Butylene produced from Butanol itself. Later Butane was supplied from America at the instance of Dr. ter Meer of the Phillips Petroleum Company. I still remember the peculiar shape of the steel bottles of this 'American firm,' and now come more technical details."

That was in 1930 and probably the work has been discontinued in 1931 and 1932 when the price of natural rubber was so very low and when we found out that the re-action could not be carried out at that time in a satisfactory way. Now, the next practical step which was taken in the United States was then a co-operation with the General Tire and Rubber Company at Akron, Ohio. General Tire is not one of the great and big producers of tires in the United States. They are the well-known Big Four but General Tire was a very well-known concern for quality tires and it was at the advice of Mr. Haslam of Standard Oil that we made an agreement with General Tire and Rubber Company of Akron in order to carry out tire experiments with the Buna-N, or Perbunan, which we considered at that time as best suited product for tire manufacture. Later on we replaced it by Buna-S but at that time it was the Buna-N. Now, the agreement has been made — the agreement between Yasco Inc. and General Tire and Rubber Company.

Q. Exhibit 188.

A. Is Exhibit 188.

Q. Document 116, Book 7, page 2.

A. Exhibit 189 shows that the order to send 200 kilograms of the Buna-N to America was given in January 1934 and Exhibits Nos. 190 and 191 show that those tire experiments unfortunately were not successful and that the American firm took the stand that the material was not workable, that the processing of it was not easy enough to be carried out on existing machinery and the whole experiments were of no use.

Q. This is in 1934. Now, what happened in 1935? Did you go back to America?

A. I would like to mention in connection what I said before; that the experiments carried out at Baton Rouge had cost Yasco about \$1,500,000 so you see from that that the question was taken very seriously but it is a pity it didn't lead to anything. Now, in 1934 there came a new situation along by a visit which had in Frankfurt by some gentlemen of the DuPont

Company, Mr. Protte and Mr. Ewing. This is shown in Exhibit No. 122 in Book 7.

Q. Exhibit 194, Doc. 122.

A. Now, that is not right. No, this is shown in Exhibit 192, and is confirmed by a letter which I wrote at the time to Dr. Konrad concerning this conference with Mr. Protte and Mr. Ewing of the Dupont Company. I have not the intention to deal in detail with the conversations which took place in America in this year 1935. I went there following this conversation with the DuPont gentlemen in the summer or fall of 1935 and started conversations at the same time with Standard Oil and with DuPont. Now, here I must mention one thing to which Mr. von Knieriem has already referred. That is to say, that our partner in the Yasco agreement was only entitled to such processes where oil products were to be used for the development of a chemical process. That is to say, every process which used as a raw material base, either earth gas or mineral oil or by-products of the oil industry. As soon as a product was derived from other raw materials this manufacture did not come under this Yasco agreement. If, for instance, I.G. thought to start rubber experiments in the United States on the basis of Butadiene made from carbides then I.G. was entirely free to deal with other partners than those of the Yasco agreement. At that time DuPont had developed the Neoprene process and I.G. Farben was in 1935 even a bit too heartily invited by the German Empire to go ahead with the Buna manufacture knowing that very large investments had to be made in that field. I was, of course, very much interested in Neoprene and in a certain knowledge about neoprene because it might turn out that Neoprene was the better product and that investment might be smaller than in the Buna field and that it might be a good field to bring neoprene to Germany and as I was according to the wording of the Yasco agreement entirely free to deal with DuPont as long as either Dupont or ourselves did not use mineral oil or oil by-products as raw materials, I conferred with Mr. Howard about that situation, and I told him that

according to my view point the best thing to do would be that we form a combination of three partners and that Standard Oil should bring into that combination the electric arc process developed at Baton Rouge with so much cost at \$1,500,000 and that we should invite the DuPonts to bring in certain knowledge in Neoprene and raw materials could be used for our Buna products too and that we should bring that in and that we should exploit that together in the United States. Now, Mr. Howard was in principle agreeable to that proposal and started then my negotiations with the DuPont people at Wilmington which had been related by reports of the time with affidavits of Dr. Loehr which are self-explanatory. But it turned out that the DuPont people were not so very much interested in the Buna question at all. They had developed the neoprene which is a specialty rubber. It isn't a tire rubber but a specialty rubber in this respect, that it can be brought into contact with mineral oil or vegetable oil or fats, etc., by which natural rubber is absolutely deteriorated in a very short time. But Neoprene is not. Therefore, neoprene is a product which so far didn't deteriorate in any respect, it's an elastic product but it stands oil and fats which natural rubber does not stand. That is, the price of neoprene was in no way dependant on the natural rubber price and DuPont could sell its neoprene at a price in the neighborhood of \$1.00 a pound as far as I recall, for the year 1935. Later on it was a bit cheaper, whereas the natural rubber price at that time in 1935, possibly about 6, 7 or 8 cents a pound. That couldn't be done with Buna because Buna was competitive with natural rubber in the broad field of application of natural rubber. That is to say, in the entire field and didn't offer the advantage of natural rubber but had two very big disadvantages. It was several times more expensive than natural rubber and the processing of it into rubber-goods manufacture was at that time in no way in order and especially in the United States where everything is much more technically done than has been the case always in Germany, there was no possibility to sell a product which could not be handled in the ordinary

equipment of the rubber-goods manufacturer. So we had very long discussions about all of these questions with DuPont people as well as with Mr. Howard and also DuPont's were not very much interested. I made to Mr. Lemont, DuPont and his closest friends Mr. Crane, Mr. Harrington and Mr. Carpenter before I left Wilmington the following proposal: a company to be formed by three partners, DuPont, I. G. Farben and Standard Oil. Two of the partners perhaps represented by Yasco. All three partners to bring into that company their know-how only in the buna field, not in the neoprene field and then this group of three having developed together processes, etc., as soon as it would be feasible in the United States and having such owner of processes brought into that new combination whose patents were used being paid by a license of a comparatively small size. This was, so to say, a sacrifice from our side because there is no doubt that we had by far spent a larger amount of money in the buna field, but it seemed at that time to me that this was the only solution which could be arrived at under the existing circumstances. This proposal has been written down by Mr. Howard and after he had the consent of Mr. Teagle it had been submitted to the DuPont people. This proposal is referred to in Exhibit 195, in Book No. 7, where the report which has been made by Dr. Loehr, who accompanied me on that trip to Germany reads as follows: "his induced Howard after conferring with Teagle to agree to the following suggestion which was to be submitted to DuPont; a company will be founded for the exploitation of Butadiene rubber in the United States of which the Standard Oil, I. G. and DuPont receive each a third of the shares. Each company makes its patents, processes and experiments in connection with butadiene and butadiene rubber available to the new company. As soon as production starts the parties providing machines and materials, Yasco, and or DuPont are to receive suitable royalties." This agreement did not include neoprene. It was a very nice invitation I gave to DuPont at that time because they could continue their work in the neoprene field just as they pleased to and at the same time

enter into a combination whereby I. G. Farben was by far the largest contributor of information, and know how, and patents. This proposition was held in suspense at that time and was continued to be discussed in the year of 1936 in Germany but nothing came out of it and the whole matter passed by. Before I left America in that year 1935 I saw or I believed to see how things would turn. I had that long conversation at Bayway with Mr. Frolich, who is one of the scientists of Standard Oil. This conversation is referred to in Exhibit 196 in Book 7. I would like to read just a few remarks. No, it's on page 45 of Book 7 and it's a conversation in which were present beside myself and Dr. Lochr, Dr. Hochschwender of Chymnico, one of the Oppau chemists, Dr. Wissel and Mr. Frolich, who is one of the leading scientists in chemistry of Standard Oil. I quote where Frolich reports about his recent visits to the Universal Oil Products Company in Chicago: "Excellent yields of the corresponding butylenes were recently obtained, when butenes were dehydrogenated by the selection of suitable catalysts." Now, I won't go into details about chemistry. You see from this that the question of dehydrogenation of butadiene and butylene was taken up there again but Frolich continues and I quote: "Even if butadiene should be formed to a somewhat larger extent by directing suitably the dehydrogenation of the butene, a separation as in the case of the butylenes cannot take place as the polymerization leads again to higher polymers which cannot be decomposed. Frolich thinks it rather unlikely on the basis of former researches that butadiene can be obtained in good yield from hydrocarbons by the loss of hydrogen. The favorable temperature range for the formation should lie between 50 and 60 many degrees which is a much too higher temperature." I beg your pardon that I quote here just a bit of chemistry but it shows that even in 1935 the question of dehydrogenation of these hydrocarbons which are to such a large extent available in the United States was considered impossible by Frolich and a very great scientist in that field, Prof. Eggloff of the Universal Oil Products in Chicago -- I know Prof. Eggloff whom I met in Rome during the international meeting there of

chemists in 1938 and we discussed the same question together. Eggloff is a specialist in that field.

Nevertheless, the conversation was finished with my suggestion. I quote: "That large-scale experiments for the production of butadiene should be started in Bryway as well as in Oppau." That was 29 October 1935 and here comes now the cesura in our conversations; up to the time of 1935 as I mentioned before, the conversation went along the lines of taking over German processes, starting from acetylene for the United States.

The conversation with Standard Oil as well as DuPont shows at that time that this process wouldn't work in the United States and right away we started now again on the new field of research work in Oppau which really led to a certain result in 1938. I would like to just mention a few words about the lack of economy of the Germany 4-Step process in the United States. Every chemist knows that in the cracking process of mineral oil a small proportion of butadiene is always found and it was at all times natural that the best source of cheap butadiene would lie in the dehydrogenation of butane and butylene in the United States. That was a cheap process. The raw material was cheap and available in sufficiently large quantities to cover -- no, at least as much as the whole consumption of natural rubber in the United States. As soon as such a process would materialize, an investment on the much more expensive 4-Steps of Germany would of course, be lost. The investment of 24 to 34 thousand ton plants of Buna in Germany that's 150 million marks -- that is \$60,000,000 -- that even some money for the United States -- and this investment would be lost, and the very day when the dehydrogenation of butane which was in the air, and had to come one day would come along and after all these conversations with very serious people who knew something about chemistry and economics, I must say that it was the only solution not to bring this expensive German process to America so we now went another direction of our work. We had in the meantime started to build our pilot plant at Schkopau which started production in 1937. We had seen that on this production scale Buna-S was good. Buna-N had been replaced. The old chemical chemical No. Rubber Buna-85 had been replaced too and my idea was now to bring forward the Buna synthesis in the United States by two means; the one is what I mentioned before-hand. Experiments on dehydrogenation of butane and butylene started at that time at Oppau and were encouraged to be started by Standard Oil but did not materialize. Until 1939 Standard Oil did not develop the butylene process, and secondly, from my personal experience that I made we would come to the point were we had the product now and it would still be very, very

difficult to get the rubber manufactures, the tire manufactures to use that material. I wanted to start right away experiments on the application of Buna S and N in the United States. I wanted to make the rubber-goods makers acquainted with our rubber plants so that when the possibility of manufacturing came along we would not lose again years and years as we had the experience from Germany by introducing these products into the trades of the consumer. Therefore, from that time on we started our two lines of work and they are now these affidavits which are introduced in Book No. 6 which related some of the work which had been done at Oppau. It's specifically Exhibit 103, in Book 6, an affidavit by Dr. Cantzler in which he points out at what time he started his experiments and in which way they were carried out and which co-operation took place in that field between the men of I. G. Farben and men of the Standard Oil and what material has been handed over to Standard Oil on that process.

I think it is not necessary for me to go into detail about that. It is a rather lengthy affidavit of a few pages and a certain number of appendices are added to it in which it is shown that certain raw materials were sent from America to Oppau; in which it is shown that a certain of Butadiene made according to that process were sent from Oppau to Standard Oil; in which it is referred to a visit of a certain number of chemists and engineers of Standard Oil to Oppau in the spring of 1939; the exchange of certain papers, analysis, etc., and I may, at the same time, refer to certain indications which are given by Mr. Howard in his book "Buna Rubber" about this matter. I may first refer to my visit in the latter part of 1935 to the United States where Mr. Howard, on page 43 of his book which is contained in the extract of his book which is quoted in our Book #9:

"Dr. Ter Meer's report on Buna-S at that time was far from encouraging. In its natural form the product was said to have some superior qualities especially for tire treads since in some, but not all, tests it seemed to show more resistance to wear than the best natural rubber. But it was still impossible to handle the Buna-S satisfactory in the milling and compounding machines made for natural rubber. It could be handled on the regular machinery by adding a softening agent but its good qualities were then lost. Moreover, the cost figures showed the production to be entirely hopeless from an economic standpoint. It could not compare in price with natural rubber."

Now, Mr. Howard refers then in his book to the endeavor to introduce commercially Buna-N and Buna-S in the United States. He mentioned here, on page 45 of his book: "Buna-N was introduced commercially in this country through an accident. Early in 1937, the du Pont neoprene plant was put out of commission for a length period by an explosion. The rubber trade in America, now accustomed to using neoprene in small quantities for many special articles, found itself without supplies.

The du Pont Company tried to do everything in its power to help these customers. Du Pont brought this situation to the attention of I.G. and a small shipment of Buna-N was sent to the United States promptly."

Then, later on, he mentions that: "...besides Buna-N, new samples of Buna-S were also being imported. The first general shipments of Buna-S samples to American rubber companies had begun in February, 1937. In September of that year, I.G. furnished Standard with a list of eight companies to whom they had sent several hundred pounds of samples. The importations were made by the I.G.'s regular sales agents in New-York."

Q In these negotiations did the German agencies take any part or were you completely independent in your negotiations with the United States?

A During my conversations until the year 1935 there was no need for asking permission whatsoever from German Government agencies. I must state that for the trip to the United States in 1935, the Reich Ministry of Economics was informed about the purpose of my visit with Du Pont because they too were interested in the possible licensing agreement on the neoprene rubber of Du Pont. But, as a matter of fact up to that date I never had had any difficulties at all, but now, in 1936, they interfered. It is, as an Exhibit in Book 7.....

Q Exhibit 199.

A Exhibit 199.

Q Document 127, Book 7.

A A letter of the Reich War Ministry to the Reich Plenipotentiary for Rubber and, at the same time, addressed to I.G. This letter is dated 14 September 1936. By this letter exchange of experiences with foreign firms about processing of synthetic rubber is to be prohibited. Now, they talk here only about the processing of rubber but not about manufacture of rubber. I have not been able to find any

document about the prohibition of exchange of know-how and experience in the manufacturing field, but I know from my own knowledge that this prohibition existed at that time. In several letters, reference is taken to that prohibition and from a long conference to which I will come later on it is shown that in a conference in the Reich Ministry of Economics I had to ask for the permission to take up negotiations in the year of 1936. I wouldn't have done that if there was any need for that. So there is no doubt that from that time on - about 1936, there was a strict order in the field of Buna for not handling the know-how of making and processing of Buna in the United States.

Q Now, did this prohibition of the German Reich authorities mean that the American contracts were dropped and the matter was dropped?

A No, certainly not. This prohibition of the German Reich agencies was, from my opinion, absolutely unsound. I would say it was entirely stupid because there was no reason whatsoever not to give to the United States the know-how in the Buna field. The United States had always had as much natural rubber as they wanted to buy. At no time since 1914 had there been a shortage in natural rubber production. There has always been a over-production in natural rubber and the prices for natural rubber had to be maintained on a certain level by artificial means with the exception of the high crisis here where the market broke, so there was no reason of any kind which should bring me to the idea not to cooperate with Standard Oil in bringing over the know-how of Buna to the United States. Only there was this prohibition.

Q Now, what happened after that?

A As I mentioned before, there were two lines of development. First of all, we took up this new work on the Butadiene process at Oppau which I have referred to, and then we made the American rubber users acquainted with our product which is confirmed by some affidavits in Book #6.

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Exhibit 178, affidavit by Dr. Stoecklin, regarding discussions with Buna-N made with General Tiro and in the following years discussions with representatives of Goodrich, Goodyear, duPont, which took place in Leverkusen. Exhibit 179 in Book 6 is an affidavit by Dr. Albert Koch on his trips to the United States in the years 1938 and 1939. In 1938, the introduction of Buna-N, after this explosion of the duPont neoprene plant, and the second trip undertaken in 1939 for the entire experiments to which I come later on, and then there is a note on a conference in Frankfurt on 8 September 1937, present among others: Dr. Howard, Dr. Hochschwender and myself, which is introduced as Exhibit 203 and which reads as follows among other things: "After some discussions, it is agreed that a market research with regard to import should be started via Jasco, Dr. Hochschwender, New-York. This market research should be for the time being, restricted to Perbunan. In case it would show that Perbunan could be important to the United States and stored there in considerable quantities, the situation should be reexamined."

Some months later only that explosion came along in the DuPont Plant which is shown -- no -- yes --

Q. That is in book 7, page 66.

A. It is Exhibit 204, this telegram from Kuehne to Konrad about the explosion in the Acetylene Plant of DuPont. This shows that our proposal to go ahead with research in the market for buna products was several months earlier.

Q. Now, was Standard Oil kept informed of the steps which you took?

A. Of course Standard Oil was always fully informed about every step taken with respect to the United States and the United States market. There are mentioned in my exhibits quite a number of conferences in which there took part either Mr. Howard and myself or Mr. Howard and Dr. Hochschwender, who was our technical representative in New York. The conversations Mr. Howard had about Oppau and conversations which took place continually between experts of Standard Oil and our Oppau people, because there was a contact, continuous contact, in the oil field. They have been informed about every step which has been taken at that time.

Q. Now, what happened subsequently?

A. The next development was the following. After we had sent those samples and experimental lots, altogether a thousand pounds of those, the figures will be introduced in the other book, to the American users, there appeared growing interests in the buna branch within the circles of the rubber goods manufacturers. Goodyear as well as Goodrich showed interest in the matter. They have probably at that time started experiments in their laboratories on the manufacture of buna, and because they found out very quickly that all available processes were covered by patents belonging to I.G. Farben, we had inquiries from both firms about licencing agreements for our buna patents in the United States. I have had, personally, conversations with Mr. Semon of Goodrich and Mr. Sebrell of Goodyear in this respect, but from the standpoint of Jasco -- and I. G. was a partner in Jasco, these conversations did in no

way seem interesting. At no time one of these gentlemen has ever mentioned the question of taking up large manufacture. They wanted, probably, to have licences to be able to work in that field, to develop something, and if the time came, perhaps to start to manufacture. But over and above that, never a serious proposal has been made to me, and therefore I could not advise Mr. Howard to follow up those requests for license agreements. One must consider that licence fees for products of the style of buna can never be very high. We calculate in the field of expensive products, like pharmaceuticals and dye-stuffs, with licence fees of about ten percent of the value of the product. That can't be done with ordinary materials--with raw rubber. But even if you calculate on the basis of ten percent of the value, the natural rubber prices had in the meantime raised to twenty cents -- between fifteen and twenty cents a pound -- so there was a possibility to get perhaps a cent or two per pound of rubber manufactured and even if such a rubber goods manufacturer would make one hundred thousand pounds of buna a year in a private plant that would bring to Jasco two hundred thousand cents -- or one hundred thousand cents, or, in other words, one thousand or two thousand dollars. And that wasn't the kind of business Mr. Howard and myself had in mind. Therefore, in several instances I told Mr. Howard that we wouldn't do that and we shouldn't do that. And that is the reason why licences to these rubber goods manufacturers have never been given and there was no other reason than this one which I consider as a very strong one and understandable by everybody. The aim of Jasco was to develop processes and then either to licence that process to somebody who would start manufacture on a large scale or to bring some parties together to start manufacture on a large scale. That was a serious problem and that was more interesting than collecting a few thousand dollars from a licensee who was not willing to go into large manufacture. That is the point where the prosecution again is wrong in saying that I deliberately turned down the licence request from Goodyear and Goodrich. This wasn't done without reason, as I told you now, and I had the full

agreement of Mr. Howard in that point too which he has stated in his book. He says here on page 59 of his book, which is also in the excerpt which comes in my Book Number 9: "But this was not the type of industry that Standard Oil Company, New Jersey and the German I.G. Company had had in mind in carrying forward the work on Buna. We had been aiming at the natural rubber market -- over 1,000,000 tons a year -- not the specialty market of a few thousand tons. But others in America had been thinking mainly of this special market and during the preceding two years had made many inquiries of us. One company, which had a small but growing business in pipe couplings mainly used in the oil and gas industries, had been working assiduously with samples of Buna and was asking for exclusive rights to use it in their field." And further on -- "Several American companies had approached us, indicating their interest in Buna as a specialty and some of these same concerns also were making inquiries of the I.G. representatives in New York and the I.G. headquarters in Germany." I mention those visits of Mr. Semon and Mr. Sebrell of Goodyear and Goodrich in Germany. "It was ter Meer's opinion that these American companies had no immediate interest in trying to advance the development of Buna rubber for general use as a replacement for natural rubber, but rather were interested only in obtaining an immediate profit or a competitive advantage in special lines. He pointed out that the German objective from the very beginning had been to develop a practical substitute for natural rubber in order to be independent of imports. This objective was deeply rooted in economic and military thinking in Germany. No such objective had influenced American thinking, save perhaps during the short period of resentment over the high prices resulting from the Stevenson crude rubber control plan. That was back in 1926 to 1928 when the crude rubber prices were still very high.

DR. BORNEMANN: I have just finished a chapter, Mr. President. Should we continue with the next question?

THE PRESIDENT: I think not, Counsel. There may be an

announcement or two and we will use the next two or three minutes for that purpose. Judge Hebert, did you have something that you wish to say to counsel?

JUDGE HERBERT: I should merely like to ask counsel for the defendant Schneider and the defendant Ambros, if possible, to see Judge Herrell and myself in Judge Herrell's office either this afternoon after the session between 4:30 and 5:00 or tomorrow between 9:30 and 12.

I note that those gentlemen are not here and I wonder if there is anyone among defense counsel who would possibly see them. If you happen to see either Dr. Hoffmann or Dr. Dix would you please tell them we would like to discuss the schedule with them. And Dr. Berndt, I wonder if I might ask you on the basis of the status of the presentation of your case now whether you would have any statement of how much time would be required on Monday to complete the examination of Dr. Ter Meer.

DR. BERNDT: As far as we can foresee, we can say that the explanations of the defendant regarding Buna in America will be finished Monday morning.

JUDGE HERBERT: I see.

DR. BERNDT: Then, on Monday afternoon the questions on the other points will come and I would like to reserve the decision as to whether Count II might then be settled then too.

JUDGE HERBERT: I see. It was your original intention to recall Dr. ter Meer with reference to certain aspects of Count II, as we understood it. Is that not correct?

DR. BERNDT: I beg your pardon, I didn't understand the translation.

JUDGE HERBERT: I will repeat, if it's coming through. As the Tribunal understood the matter, we thought that it was your intention to recall Dr. ter Meer later for interrogation on Count II and you indicated that that would occupy about two and one-half hours, you thought.

DR. BERNDT: Altogether.

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JUDGE HERBERT: That is correct. Well, I think that gives us the picture. Thank you very much, Dr. Berndt.

THE PRESIDENT: Are there any other announcements to be made before we recess for the weekend? If not you will remember that on Monday morning we shall be back in our regular courtroom. The Tribunal will now be in recess until 0930 Monday morning.

1948
16 Feb-M-FL-1-1-Schwab (Int. von Schon)

Court No. VI, Case VI

Official Transcript of Military Tribunal VI
in the matter of the United States of America
against Carl Krauch, et al, defendants, sit-
ting at Nurnberg, Germany, on 16 February 1948,
0930, Justice Shake, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI. Mi-
litary Tribunal VI is now in session. God save the United States of Ame-
rica and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: You may make your report, Mr. Marshal.

THE MARSHAL: May it please your Honors, defendants Krauch, Gajewski,
Maefliger and Lautenschlaeger are absent from the courtroom.

THE PRESIDENT: The defendants named have been excused at their re-
quest.

Any preliminary announcement from the Defense? Prosecution?

MR. SPRECHER: Mr. President, I had a statement to make concerning
the matter which Dr. Hoffmann raised last Friday in open court without
prior notice to the Prosecution. Just a minute ago Dr. Hoffmann raised
another matter which I think he might want to bring to your attention
first, because I would like very much to answer that point as well.

DR. HOFFMANN: (Counsel for defendant Ambros): Mr. President, on
Friday I presented the Montpellier matter to the Tribunal. In the mean-
time I have had an opportunity to speak briefly to Montpellier. I dis-
covered that the Prosecution examined him under oath on the subject which
is the subject of my affidavit too. Now, Mr. President, my point of view
is this. The Prosecution case is finished. The Prosecution had a very
long time to get their witnesses and to get a picture of the Prosecution
case. If the Defense has a witness whom the Prosecution has not had be-
fore a man who is free, who is not in custody of the Allies, and the De-
fense takes an affidavit from such a man, and this affidavit is to be
presented by the Defense here — the Prosecution can request this man
for cross-examination in the same way as we had the privilege with the

Prosecution witnesses. They can also interrogate him beforehand, as we can do with other witnesses. But, in my opinion Mr. President, they cannot examine him under oath, that is, in effect carry out a cross-examination which should take place here in this room before the Tribunal. That is my objection to the questioning of this Defense witness now.

MR. SPRECHER: Mr. President, I think several matters ought to be made very clear — abundantly clear — so that there can be no possible misinterpretation. Point one: This is not a new story with Dr. Hoffmann. You will remember that Dr. Hoffmann was one of the Defense counsel — and I may say in a minority — who, in the early days, attempted to get this Tribunal to follow, on the basis of written applications to this Tribunal a rule that once Dr. Hoffmann had put in an application for a witness during the Prosecution's case, thereafter that witness was an untouchable so far as the Prosecution was concerned. At that time we indicated to your Honors how ridiculous that type of a rule would be and that had the Prosecution insisted on such a rule, and been able to enforce it, we would have practically been able to prevent the Defense from undertaking investigations during the Prosecution's case with respect to hundreds of knowing persons who did have relevant information which was certainly not the exclusive possession of the Prosecution. That is Point One.

Point two: The Prosecution has not asked Montpellier or any other person we interrogate to give us a copy of any affidavit which he has given to the Defense. In some case certain persons we interrogate do indicate that they have given affidavits to the Defense. More recently we have been asking them that question so as to avoid any embarrassment on their part. But we have not asked them in any case to give us the affidavits they have given to the Defense.

I may say in many cases we give copies of affidavits — not all, and not in all cases — to the affiants, and we have found in many cases that they have taken those affidavits to the Defense counsel; and we haven't

attempted to stop that. That, too, would be somewhat ridiculous.

Now, with respect to Montpellier — Montpellier is an SS-man who until recently was incarcerated. He obviously had relevant information —

THE PRESIDENT: Let us not go into the merits of Montpellier's affidavit. It will speak for itself. Just tell us the circumstances about this interrogation and these affidavits.

MR. SPRECHER: All right. He was brought here to Nurnberg last Thursday, at the request of the Prosecution. The next day, as soon as the formal interrogation could be arranged, he was interrogated. It was ascertained that he had given affidavits to the Defense, and thereafter the interrogator made the following statement, which is a part of the official record which is available here:

"I will make the following agreement with you. To have nothing against your making yourself available to the Defense; I only wish that during the time I am talking to you, you will not go to the Defense."

Now, this interrogator was acting pursuant to arrangements which he and his immediate superior had worked out in a number of other cases with Defense counsel in this case where a witness has been brought to Nurnberg at the request of one party and there was some early conflict in the first several days because both parties were attempting to schedule interrogations of the witness.

THE PRESIDENT: May I ask you, just for information, was this witness an approved witness for the Defense before you interrogated him?

MR. SPRECHER: I am not sure, and I don't think it makes —

THE PRESIDENT: Well, we will pass on the difference. Just give us the facts.

MR. SPRECHER: I don't know. Dr. Hoffmann will tell you.

DR. HOFFMANN: I did not make application for him, Mr. President.

THE PRESIDENT: Very well.

MR. SPRECHER: Now, in this particular case we will be very glad to

let Dr. Hoffmann see the entire record of this interrogation, but we would appreciate it in the future if, before any possible insinuations are made on the record, the courtesy is shown to us to tell us beforehand what the problem is. There have been cases — and I will not mention the direct connections — where persons we have brought to Nurnberg have reported to Defense counsel and actually come into my office with Defense Counsel before reporting to the Prosecution.

Now, those things are not matters, it seems to me, to cause trouble here in open court. We have on our part worked out our problems without making any charges on the record here.

DR. HOFFMANN: Mr. President, may I say briefly that the statements which Mr. Sprecher has just made were translated "made insinuations." Mr. President, I cannot imagine that my sense of duty as Defense counsel, which obliges me to present a certain matter, can be taken by the Prosecutor as "insinuations". I don't think that there was any such intention. The facts remain, Mr. President, that I did not apply for this witness but that I have an affidavit from him. And in other cases, in particular in Case IX, the Prosecution has made use of their natural right to use Defense affiants for cross-examination. But it did not happen that these affiants were first examined under oath before they were questioned in cross-examination. That is what I am objecting to now.

And as for the application on Friday, the presentation of the record by Mr. Sprecher has shown that the witness was told that he was not to talk to the Defense while he was being examined here, which I did not know had been agreed upon.

THE PRESIDENT: Now, gentlemen, it just occurs to me that you gentlemen have generated a little more heat over this matter than the subject deserves. I think we have made clear to you that we do not regard either party as having any proprietary interest in any witness, or prospective witness, that may be brought before this tribunal. The tribunal is unconcerned with your interviewing and talking to witnesses in advance, of pro-

ducing their testimony.

I may say that it is more likely you would be regarded as derelict in your duty if you should bring in a lot of witnesses that you didn't know what they were going to testify and take up the time of this tribunal on interrogations that did not produce any results.

Now, we assume that you gentlemen in dealing with any witness or prospective witness will exercise proper ethical standards, that you will not unduly undertake to pressure any witness to testify or to give a statement otherwise than he wants to voluntarily make. That is the reason why we early in the trial of this proceeding expressed ourselves, I think sufficiently clear, that you could understand that we had no objections to your talking to each other's witnesses.

We do not expect -- we would be very much surprised -- if we should learn that any recognized member of the staff of counsel should take advantage of a witness to pressure him into making other than a free and voluntary statement.

Now, on the fact disclosed here this witness does not belong to the Defense nor to the Prosecution. If either of you gentlemen want to talk to him, that is your own business, so long as you allow him to make free and voluntary statements that you wish to use.

Now, that is just our view of the matter. Frankly, I feel that it is a matter that you gentlemen ought to have been able to adjust without consuming fifteen minutes of valuable time here in the trial of this case. Now there is nothing that we regard as having risen to the dignity of requiring the attention of the Tribunal as far as this matter is concerned. You gentlemen know your duties and obligations as counsel enough to be able to get along, and please just forget the matter of personal feelings and approach this thing from the recognized standards of professional conduct in dealing with a witness or prospective witness, and I don't think we will have any trouble to worry the Tribunal about.

You may proceed with the trial.

DR. BORNEHANN (Counsel for defendant Ter Meer): Mr. President, may I ask first of all whether Document Book 8 has been received yet in English? I received it this morning.

THE PRESIDENT: Yes, we have it.

DR. BORNEHANN: I will attempt to offer Document Books 8 and 9 now so that I can examine Dr. Ter Meer later and complete the questions about Buna and America.

Document Book 8 contains documents about the negotiations from 1938 on in America in the field of Buna. It begins with Document 136, which I offer as Exhibit 208. That is an affidavit of Dr. Lochr's giving a detailed report on a trip which Dr. Lochr made together with Dr. Ter Meer in November and December, 1938, to Americas.

There follows Document 137, which I offer as Exhibit 209. This, too, is a report of a conference after their return from America.

The next document, 138, will be Exhibit 210. This is an order of the Advance Solvents and Chemical Corporation for the delivery of Lampblack and Buna, of the 17th of February, 1939. This order was to make possible the necessary experiments in America.

Document 139, Exhibit 211, and Document 140, Exhibit 212 deal also with these sample deliveries.

The next document which I offer is 141, which will be exhibit 213. This is a letter from Dr. Ter Meer to Willard Dow, the president of the Dow Chemical Company, in Midland, of 18 February, 1939. It shows the friendly relationship between these two men.

Document 142 will be Exhibit 214. This is a letter from Farben to Chemnyco, 16 March, 1939, concerning the sending of Buna samples to Standard Oil.

The next document is 143, Exhibit 215. This is a letter from Dr. Koch to Dr. Konrad of April, 1939. In this letter Dr. Koch writes: "I understand from Hochschwender that Dr. Ter Meer intends to come here at the

beginning of May. I consider this date — at least as far as Buna-S is concerned — as premature. A decision can only be reached by road tests and these can surely not be expected by the beginning of May." This is May, 1939.

There follows Document 144, which will be Exhibit 216, a teletogram from Dr. Koch to Farben at Leverkusen, 7 April, 1939.

Exhibit 217 is Document 145, a letter from Dr. Ter Meer to Mr. Howard of the 3rd of June, 1939. In this letter Dr. Ter Meer expresses his hope that the experiments with Buna tires can be completed during the summer so that conclusions may be available in the fall. He says that it is his intention to come to New York in October, 1939.

There follows Document 146, which I offer as Exhibit 218. This is an affidavit of an employee of Leverkusen named Reinhard Diedert. He has attached to this affidavit a table where the shipment of Buna to the United States in the years 1934 to 1939 is recorded.

Document 147, Exhibit 219, is a letter of the Central Rubber Laboratory, Leverkusen, to Ter Meer, dated 2 June, 1939. It contains a report about a planned trip of Dr. Koch in the summer of 1939.

There follows Document 148, Exhibit 220. This is a letter of Dr. Senrad's to Dr. Ter Meer, dated 29 July, 1939, with reports of Chemnyco of 21 July, 1939, which are sent to Dr. Ter Meer. These reports contain information about the Buna tire experiments in the United States in the summer of 1939.

There now follow their documents which were written after the outbreak of war. Document 149, Exhibit 221, is a letter from Dr. Locher to Dr. Ringer of 28 September, 1939. This letter concerns the transfer of Buna patents to Yasco. It is to show with what care Farben was endeavoring to deal fairly with its business partner in America.

There follows Document 150, Exhibit 220, a teletogram from Farben at Ludwigshafen to the Standard Development Company, dated 16 October, 1939:

And finally, the last document which I offer is 151, which will be Exhibit No. 223, a letter from Farben to Howard, dated 23 August, 1940, regarding patent questions.

That completes Book 8. There now remains Document Book 9 which I shall offer subsequently.

The first three documents in Document Book 9 are an affidavit from Mr. Howard and excerpts from his book published in 1947. These have already been mentioned. I offer Document 152 as Exhibit 224. This document was already offered in the von Knieriem document book 3, as Document No. 29, Exhibit 18.

Document 153 is offered as Exhibit 225. This has also been offered by Mr. von Knieriem's counsel as Document 19, Exhibit 17.

These follows Document 154, Exhibit 226, more excerpts from Howard's book.

Then I offer three newspaper articles, Documents 155, 156 and 157 as Exhibits 227, 228, and 229.

MR. DuBOIS: With respect to Document 155, a letter by one Helmer Johnson which was published in the New York Times, that is on page 74 — it begins — of this document book, the Prosecution objects to the introduction of this document, and would like to state its reasons rather fully.

MR. DuPOIS (Continuing): The Prosecution will offer no objections to this letter because of the fact that it is not in affidavit form. However, the Prosecution does not see the relevancy of the contents of the letter. Aside from the expression of personal opinion, on the part of the writer, the letter contains no relevant facts with a single possible exception, of certain statements with respect to atebrine, even assuming these statements with respect to atebrine were pertinent, the Prosecution has already indicated it does not believe that it has established the allegations and subject matter of Count I, concerning atebrine.

Now with respect to the general statement of opinion in the letter, concerning what is or is not charged in the indictment in this case, even assuming that the writer of the letter were qualified as an expert to give such general opinions, they are in no way relevant to the issues in this case. This can be clearly seen from the concluding, or the next to the last paragraph in the letter, which begins on page 77. You will note that reads:

"As I have suggested, it seems clear that the authors of the Farben indictment cannot be contending that Farben before the war was under any obligation to make all of its technical know-how available to us. The import of much of the first count of the indictment appears to be then that having undertaken to reveal some of their information, they violated the laws of Nations because they did not reveal all. Such an argument is dangerous, for if upheld, it will result in a reluctance to enter into any kind of technical information agreement between nationals of different countries."

Now in this connection the Prosecution would like to make the following clear, and if necessary, or if desired, we will stipulate to this effect. It is not the import of our charge of having undertaken to reveal some information, the defendants violated the law of nations because they did not reveal all.

The fundamental basis of our charge is this, first that the defendants deliberately handled certain international negotiations in such a way as to retard the development of certain strategic processes in other countries...and at the same time to further such developments in Germany, and that they did this in collaboration with the Nazi government in furtherance of a policy to keep the Nazi war machine all-powerful as against other countries; and

Second, that they did that knowing that the Nazi Military Machine was being built up for aggressive use and we will stipulate that that is the basis of our charge.

THE PRESIDENT: Does counsel for the defendants desire to be heard before we rule on this matter?

DR. BORNEHANN: If I understand correctly, the charge of the Prosecution is not that this document is not an affidavit, but rather that this document does not deal with the subject of the indictment. I consider this objection as not pertinent. I refer to the bottom of page 75. There it is stated under the heading, "Synthetic Rubber Agreement":

"The reference to synthetic rubber is to the agreement between Farben and the Standard Oil Company of New Jersey. This agreement was entered into in 1929. Except for this agreement, Farben was under no compulsion to tell anyone in the United States how to make synthetic rubber, and it seems that the major complaint made of Farben's performance under the contract is that it had some difficulty in obtaining the permission of the Wehrmacht to release certain information. In this connection it should be pointed out that Germany did only what the United States and perhaps every other country did."

The letter in the New York Times comes from a Mr. Johnson, and from the introduction which the newspaper has given, at the top of page 74, one sees that the writer of this letter was, during the war, in charge of all patent and cartel investigations by the United States Alien Property

Custodian, so that a certain weight may be attached to his opinion. Under these circumstances, I consider the submission of this document to the Tribunal justified.

THE PRESIDENT: Mr. Johnson, the reported author of this article, may be an expert, it may be that he could throw some light on some subject that would be pertinent, but surely the editorial comment of the New York Times does not establish his qualifications as an expert so as to meet the requirements that this Tribunal would impose.

At most, gentlemen, this purports to be the views of some individual, as to what is or is not embraced in this charge made after the indictment was filed and this case begun. If we should relax the rule to admit this statement there is just no limit whatsoever to the amount of newspaper clippings and comments that might possibly be brought in here to burden the record in this case, none of which would be competent as evidence.

I think that the ruling that we are about to make is in harmony with the same rule that we applied when the Prosecution was presenting its evidence, that comments people made after the facts, in newspaper articles or magazine articles or books, are not competent evidence.

The objection to the introduction of the document is sustained.

MR. DuBOIS: We would also like to make similar objections, not exactly on the same grounds, to the next two documents.

THE PRESIDENT: Just a moment please.

Do you have anything further to say, counsel for the defendant, with respect to the competency of these documents, beyond what you said with reference to the preceding one.

DR. BORNEMANN: Document 156 is not a newspaper article from a period after 1945, after the beginning of this trial. It is an article from the Railway Signalling, November, 1943, and it is to show that the opinion on the situation was at an early period. I therefore believe that the reasons for which Document 155 was rejected, do not apply to Document 156.

THE PRESIDENT: We do not predicate our previous ruling exclusively

upon the proposition that the comment was made after the indictment was returned. The only exception that we have made, - and counsel is familiar with that I am sure, - with respect to these newspaper articles, we hold some of them early in the trial might be competent as reflecting matters of common knowledge in Germany.

This purports to be an article of Railway Signalling, published in New Jersey in 1943. It could not possibly throw any light on the state of public opinion or common knowledge in Germany, even in 1943.

The same ruling will be made with respect to this Document and the succeeding one marked Document 157 of the Defendant Ter Meer, which you have identified as your Exhibit 229.

The objections to the introduction of Document 227, I mean Exhibits 227, 228 and 229 are sustained by the Tribunal.

DR. BORNEMANN: I shall now continue with the examination of Dr. Ter Meer.

DIRECT EXAMINATION (Resumed)

DR. FRITZ TER MEER

BY DR. BORNEMANN:

Q.- On Friday afternoon we were discussing the negotiations carried out by Dr. Ter Meer for Farben in America. We had gotten up to about the year 1938. Now since Document Books 8 and 9 are in evidence, I shall first of all ask whether you have anything to add on the basis of those two document books, to the testimony which you gave on Friday afternoon, Dr. Ter Meer?

A.- I would like to point out one document which has only been introduced this morning, in Book No. 9. That is Exhibit 226, on page 68 of Book No. 9, which contains a list of the prices of natural rubber in the period from 1923 until 1943, according to the notations made in New York. In this exhibit, which is an extract of Mr. Howard's book are indicated the two periods of the price stabilization for natural rubber. The first

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period, '23 to '28, the period of the Stevenson Plan; then the period of the free market, when the market broke in the crisis years, and afterwards from '34 onward, came the period of International Rubber Regulation Agreement.

Now I only indicate this in order to show that what I said about the fact that from along time ago certainly from 1914 or '15 or '16 on, natural rubber has always been in overproduction, and that there was never a shortage and the United States could always buy as much natural rubber as the country wanted to buy, is shown in this exhibit.

Q.- You have nothing else to add?

We had gotten up to 1939. As far as I recall you indicated that in 1938 developments had gone so far, that one could think of a realization of large scale production of Buna in the United States. Please describe the discussions to this effect with Mr. Howard, and what steps you took, if any, with the German authorities.

A.- Well, I have explained on Friday afternoon, that about 1935, or '36, we started at Oppau, new experiments on the process which intended to produce butadiene from Oil raw materials. This process was to a certain extent developed already on a small private plant scale of probably a few hundred tons a day of butadiene in 1938, and when Mr. Howard visited us in Germany in February, 1938, I had a long conversation with him about the procedure to be considered for the United States. I would like to point out Prosecution's Exhibit 959, NI-10453, Book 42, page 135, German page 124. This is a letter from Mr. Howard to his associate from Standard Oil, Mr. Russell, in which he writes:

"At my meeting with the I.G. gentlemen in Berlin on the Buna question it developed that very rapid strides were being made in all phases of the Buna development, and there is even a prospect that this development will very soon stand on its own feet economically in competition with natural rubber and on manufacturing conditions and costs in the United States."

I think nothing can show more clearly than this sentence that something like a new situation has arisen and the reasons why this had been the case are indicated firstly by the progress of the butadiene experiments at Oppau which Mr. Howard was informed, about, what I shall show afterwards.

Second, in the beginning of 1938, we had at our disposal the probable results of the production of the German rubber plants of Oppau which started production in the first month of '37 so that at the beginning of

138 we know which was the future product to be produced on a large scale in Germany, that is to say, Buna S, and at the same time show that this product could now be made on a comparatively large scale in a rather regular and satisfactory way/

The third point which is at least as important as the first one, was this new method of processing Buna which, as I have told you, is a product which is much more difficult to be processed in the rubber goods manufacturing machine than natural rubber.

I do not want to go into detail about this new processing method. I may only indicate by comparison what it meant. A wild horse has to be broken to the reins, and when that has been done, the horse is as good as it was before, but now it can be handled, and that is the same sense of this method which we call in Germany, the Thermischer Abbau, plasticising by means of hot air. By this method the synthetic product is broken to the reins; it can now be handled in the usual equipment of the rubber goods manufacturers without having lost anything of its good qualities.

Now this is a question of the greatest importance to all big rubber goods manufacturers who use certain equipment for continuous large production, and as I know those conditions in America, I was quite sure that this accomplishment was really necessary in order to go ahead with large scale production in America, which meant large scale processing of Buna as in America too.

Now in Exhibit 207, Book 7 —

Q.- Page 72.

A.- The contents of this conversation is given, and I think I do not need to go further into detail. Here I would only like to point out that at that time the new process for making butadiene from all raw material, on which we worked in the Oppau works, was in no way ready. We had still to work a good deal on that process and later, in documents which I will show somewhat later we will prove that also for a later period.

Now in the same exhibit I mentioned just now, we had to get around or to solve this difficult situation which we had through the prohibition of our government agencies, to give know-how in the Buna field to the United States. I told Mr. Howard at the time that I would tackle this problem at once, and my first step was an information of Professor Krauch who acted in many questions of a technical and scientific nature, as an expert to the Reichswirtschaftsministerium, so that I felt it would be a good thing to make sure that he backed my steps.

I had a long conversation with Krauch and his associate, Mr. Eckel, Eckel being at the same time an associate in Krauch's office, and an official in the Ministry of Economics, so that he had certainly a somewhat deciding word to say about that matter in the Ministry of Economics.

At the same time I asked Krauch to give me his support in conversations with military agencies. Mr. Krauch, of course, know quite well, coming from Mr. Thomas who was the deciding personality whom, if at all, I knew very little at that time, and Krauch promised me to do everything he could do in this respect.

The most important conversation I had on this matter was a conversation in the Ministry of Economics at Berlin, where I talked to Mr. Loeb the same man who some years before had been the head of the Amt fuer Deutsche Roh-und Werkstoffe, Agency for German Raw and Synthetic Materials.

This Colonel Loeb was a rather difficult man. Being an officer, he was not so very well informed about economical, technical or scientific questions, and I know him already quite well from earlier conversations we had had in the field of building of Buna factories in Germany, and we had not at all times been very good friends, because his style and his continued pressure on me and on I.G. Farben had not been entirely accepted by myself.

I had prepared for this conversation in the Ministry of Economics, a report, which I cannot present because it could not be found in the pa-

pers of I.G. Farben. I, therefore, have only a report which I dictated myself after this conversation which the Prosecution has introduced as Prosecution's Exhibit 960, NI-10455, in Book 42. I recall exactly that these conversations were very difficult. It is a well-known story that government agencies do not very much like to take direct responsibility in a matter where already a contrary decision has been given by high authorities and where at the same time, partly circles were in disagreement, and talked about an international cooperation, and suspicion and so on.

I therefore brought forward all possible reasons for getting the permission to go ahead in the United States and with the help of Dr. Eckel, the Associate of Dr. Krauch whom I mentioned beforehand, and Mr. Mulert, a man of the old school, and at that time head of the commercial development in the Ministry of Economics, of the Reich, I succeeded in having Colonel Loeb promise me that I would get the permission for the fall of the same year.

I do not recall why this permission was only given for one-half a year forward, or was promised for that time, but probably it had to do with the state of our experiments at Oppau which, in the yearly part of '39 were not yet far enough advanced so that we could seriously talk business in America on the basis of that process.

I got the permission and it is contained in Prosecution Document 967, NI-10459, Book 42, German page 153, English page 156. I would like to point out that this permission was not, or did not give me an entire freedom to do in the United States what I would like to do, but it reads at the end: "Please inform me in good time in each case about any intention to take up negotiations with regard to the Buna field with countries abroad, and about the course of such interest. My consent must be obtained before a final settlement is made."

Q. In the trial brief the Prosecution charges that you intentionally treated these matters in a dilatory way and the Prosecution quotes a passage from a report which you, yourself, drew up. Would you please comment?

A. The records which I dictated myself on that meeting are certainly correct and probably reproduce rather exactly what had been said in the meeting because if I dictated that record I probably did it for the purpose that a question of a certain seriousness being connected with the Government agencies in a field of high-treason and so on, was of some delicacy and I wanted to retain what had been said in those meetings. Now, if I read that at present I must say I cannot understand myself why I made this remark, "that at the time the conversations of synthetic rubber with Standard Oil have been retarded by ourselves." I put in this remark Standard Oil, Goodyear and Goodrich as if they were just the same kind of contracting parties. That is, of course, entirely wrong. I have mentioned already on Friday afternoon that Goodyear and Goodrich approached us for a license. They didn't ask for know-how; they only approached us for a license because the chemical departments of those two big rubber firms wanted to experiment with Buna and maybe wanted to produce a certain quantity of Buna but our agreements with Standard Oil, of course, were quite otherwise. They certainly knew it at that time. I can, therefore, only construe now that probably I felt at that time it useful to talk a little bit the language of Col. Loeb, whose mentality in this case was so far known to me. Maybe I wanted him to understand that I had strictly conformed myself to the order of the Government which, in fact, had not been entirely the case with respect to Standard Oil where already certain information on the new process had been given. Now, when reading Mr. Howard's book I find a remark on page 62, which perhaps gives an additional explanation. It's contained in an extract of the book of Howard's in Book No. 9, Exhibit 225. It reads;

"Dr. ter Meer agreed that our position was reasonable and justified and promised that he would present this point of view to his associates and if they agreed, to his government. Ter Meer acknowledged at that time --

DR. BORNEHANN: It's page 62 at the top.

MR. SPRECHER: That would be in the Document Book on what is page 195 and following, the English text of the former Knierich document.

A. Well, in the extract, page 196 and I quote: "Ter Meer acknowledged at this time, that for some reason which he did not explain, the German government had not previously been informed that the Joint American Study company --" that was Jasco "--was entitled to Buna rights outside of Germany. He intimated that in view of the large expenditures the government had made in Germany in perfecting Buna, it might be somewhat embarrassing now to break the news that foreign rights had long ago been contracted for. He was sure however, that if the matter were handled tactfully no serious difficulties would arise on this account." I know at that time before this conversation with Col. Loeg that it was a difficult and intricate matter and I was still in the fall of 1938 a bit embarrassed when the permission did not come, a circumstance which probably led to this conversation with State Secretary Brinckmann which we have discussed before.

Q. The Prosecution contends that you always expressed to Standard Oil your willingness to co-operate but actually you deliberately deceived your partner.

A. This standpoint of the Prosecution is wrong. It is the old misunderstanding about the situation. The Prosecution did not know what the circumstances were; why we couldn't make any progress in the earlier years working about the application of the German complicated and for American purposes uneconomical processes for the United States. They did not know that in 1936 the conversation on that German process would come to a definite and final stop and that now conversations could only be taken up when a new process for Butadiene was available, which was only the case in 1938. From that time on from the conversation with Mr. Howard in Berlin in February 1938 we have worked straight-forward. We got the permission of the German government for the fall of the same year and in November 1938 I went over to America. I do not find in Mr.

Howard's book any allusion about methods of I.G. Farben by which we retarded in any respect the conversations whatsoever.

Q. Now, how about the contention of the Prosecution that Standard Oil influenced by your promises gave Farben Standard's process for Butyl rubber while Farben did nothing in exchange?

A. Well, this again is a complete misunderstanding about a technical and also contractual situation. In Book 42, Prosecution Exhibit 963, NI-10456, English Page 145, German Page 142, there is produced a letter which I wrote to Mr. Howard on April 9, 1938. That is to say, a short time after I received a letter from Mr. Howard by which he indicated the willingness of Standard Oil Development Corporation to bring into the Jasco Field the Butyl rubber. I may quote from this letter two short sentences: "Referring to your letter of March 15th from London I wish to thank you very much for courtesy of sending me the detailed information about the new interpolymers of butadiene and iso-butylene made by Standard Development Company." This is the information on butyl rubber. "I have forwarded the various reports to our technical gentlemen concerned and they are giving them careful consideration. Naturally, any definite opinion of the said interpolymers cannot be formed at the present juncture, but a preliminary test of the samples attached to the reports seems to show that the material would not come into consideration for such uses where it is subjected to strong wear, such as tires?" In Document Book No. 8, Document No. 217, on page 53. —

DR. BORNEHANN: You mean Exhibit 217.

A. I am sorry. A second re-action of myself in a letter addressed to Mr. Howard on 3 June 1939 is concerned with this co-polymer and Butyl rubber. I may quote again: "I have to inform you that with regard to co-polymer our work has, so far, made no great progress. Dr. Mueller-Cunradi has a small pilot equipment under construction in order to use his catalyst and to find out whether the quality of the co-polymer can be improved by using the Oppau process. Results can only be available in the late fall of this year. As regards the application

application side, our judgment concerning the co-polymer has not changed." Now follow some details. Now, this shows quite clearly that about one and a half years later after the first letter the only thing I.G. was doing with the Butyle rubber were some experiments carried out in a small existing pilot equipment or some additional equipment in construction in order to find out if the quality of this Butyl rubber could be improved. Now, if we take Mr. Howard's book, page 62, the same page we had before, this question is touched upon too and I may read: "When our discussion --" this is a meeting in Berlin in 1938 "-- When our discussion of the Buna situation was finished, I reviewed with Dr. Ter Meer our new development, Butyl. We had filed our patent application in the U.S. Patent Office the preceding year, and would be compelled to file it in England, France, Germany and other foreign countries within a few months to protect our patent rights. Ter Meer's reaction was satisfactory. He raised no question of the relation of our Butyl to their Vistanex. He complimented us on an outstanding piece of chemical development, but very quickly put his finger on the weak spots. He asked especially about the hysteresis characteristics of the Butyl rubber, that is, whether it had high or low internal friction. I told him it was quite high. He shook his head and said that was the fundamental point to attack, as in their long experimentation with the Buna types they had found high hysteresis to be the most stubborn characteristic of a synthetic rubber. The years of subsequent work with Butyl proved him to be right." And, finally in two exhibit in Book No. 6, that is Exhibit 177, affidavit of Dr. Ringer and 176, affidavit of Dr. Oskar Loer on the Jasco agreement negotiations and I.G.'s activity in the United States as respects Buna. In both affidavits these German gentlemen confirm that I.G. Farben, has at no time, neither before or after the outbreak of war, manufactured Butyl.

Q. Now, in the fall of 1938 you went to the United States. Please tell about your negotiations in New York at that time?

A. I went over to the United States accompanied by Mr. Mueller-Conradi of Oppau Works, and Dr. Loehr.

Already before we went to the States the Oppau Works had given information to Standard Oil about the new Butadiene process. This is shown in Document 134, Book 7, page 71 where a cable from Chemnyco is mentioned in connection herewith. This cable was from 21 February 1936, about the time when Mr. Howard visited me in Berlin. Now, of course, Standard Oil Development Corporation can only make calculations and cost estimates as they say here, if they have knowledge of the process, at least of the yields, quantities of raw materials used, indications about electric power, steam, etc., consumption.

Q. That's Exhibit 206.

A. Now, I took Mr. Mueller-Cunradi with me to New York in order to give him and the people of Standard Oil Development Corporation opportunity to go more in detail into those calculations and to study at the same time the place, where later on a factory for Butadiene might be built. Mr. Mueller-Cunradi remained a few days at New York, to gether with me. We had some conversations with the gentlemen of Standard Development Corporation and then he went to a number of refineries and oil fields in order to study on the spot the possibilities for the erection of a plant because for the manufacture of Buna, as has already been mentioned, we need large quantities of pure water and just that is something in most cases missing in the neighborhood of natural oil. Now, these conversations which took place at New York are mentioned in a memorandum and in reports and are condensed in a memorandum which was made by Loehr and myself in the English language. This is Document Book 8, No. 208, Exhibit 208. I am sorry. I couldn't prepare all this better as I got the books only this morning. They are on page 12 which is not marked in the book here. "Remarks on the Probable Cost of Butadiene Interpolymers." Now, here it is said on the second half of the page that "On the basis of 10.5 cents per pound of butadiene, the cost price of Buna S was calculated, using certain things,

assuming a production of 2000 metric tons of Buna S a month a cost price of 18.5 cents per pound of Buna S is obtained, depreciation included." At that time the natural rubber price New York was, as far as I recall, 16.5 cents in that month. So, we were in the neighborhood of the price of natural rubber if a big plant would be built. Now, I continue to quote: "An accurate estimate of the investment required for the manufacture of 2000 tons of Buna S per month can only be given after a careful study of all necessary cost elements, taking into consideration particularly the conditions of location, availability of facilities for power, steam, water, etc. A rough guess based on Standard's data on butadiene and I. G.'s German data on the polymerization step and on styrene manufacture would result in an investment of about \$15,000,000 excluding any investment of site development, facilities and a reasonable amount of working capital, about \$20,000,000 would probably represent the order of magnitude of the total investment required."

Now, that was the situation before the Standard Oil of New Jersey Executive Committee, who invited me to present the whole matter to the Executive Committee of Standard Oil. The Prosecution Exhibit 969, HI-10461, in Book 42, English page 161, is an extract of the records of that executive meeting in which the cost of the meeting is presented and I do not want to go into details here. The meeting started. There were about, as far as I recall, between six or eight gentlemen of the Executive Committee of Standard Oil were present. Among them Mr. Farish and Mr. Haslam. There were present at the same time Mr. Howard and Mr. Bedford and some other gentlemen, the names I do not recall any more. Now, I presented the whole story of the Buna synthesis and Buna production in Germany and the reason why so far we had not succeeded in doing anything in the United States. I reported, of course, also about the interest of the rubber-goods manufacturers in

the whole problem and I laid before the Board of Standard Oil a problem to go ahead and form a company and build a factory of an importance at least 20 to 30,000 tons of Buna S in the United States in order to get the cost price which would be not too far away from the natural rubber price. Now, prices and installation costs and all of these matters have been according to this report discussed and then came a discussion about the possibilities of the competition which might come from natural rubber and I explained to the gentlemen of Standard Oil everything I know about that. I know quite something about it and the result was that the gentlemen of Standard Oil was not particularly enthusiastic about making an investment by which a produce is manufactured which is more expensive than the competitive natural product which is somewhat difficult to bring around in the rubber-goods manufacturing equipment; also, through our new thermal treatment process this difference was not so very big any more but, of course, at any time a break in the natural rubber field might endanger the whole business. The point to which we gave most importance was the question of a market. So far there was certainly a certain interest in the rubber-goods manufacturing in the United States, but here the question came up to sell per year in pounds of between 20 to 30,000 tons and it had to be sold.

DR. BORNEHANN: Dr. ter Meer, it's time for the recess now.

THE PRESIDENT: The Tribunal will rise.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Gentlemen, the Tribunal has reviewed the situation that obtains because of the delay in the delivery of document books — particularly the German books of Dr. ter Meer. We have concluded that it will be proper to ask counsel for the defense, to have in mind interrogating Dr. ter Meer when Dr. Bornemann and his associate are through, to urge you to be prepared to do so. That will be with the reservation, however, that if after you get your German books you find some necessity for further interrogation of Dr. ter Meer we will have him recalled to the stand. We wish to get as much of the examination of Dr. ter Meer before the Tribunal while he is presently on the stand as it is possible to accomplish, for the reason that we expect prosecution to cross-examine immediately thereafter. So, be prepared — if you will — to ask Dr. ter Meer on behalf of the other defendants when Dr. ter Meer's counsel are through; with the stipulation that if you find occasion for some omitted questions after the German document books are available, we will have him returned to the witness stand so that you can complete the details of your examination. I mention it now so that you will know the program that the Tribunal has in mind.

You may proceed.

FRITZ TER MEER — (Resumed)

DIRECT EXAMINATION — (Continued)

BY DR. BORNEMANN: (for Dr. Ter Meer)

Q Dr. Ter Meer, before the recess, you talked about the conference of 25 November 1938, the conference that you had with Standard Oil at the time. Please continue with your statements.

A I was just explaining the difficulty which we had about the commercialization of the Buna-S project in the United States, because there was not an assured market. The product was more expensive than the natural rubber, its handling in the rubber boots manufacture factories was not yet proved to be satisfactory, and then the danger of

break in the price of natural rubber was at any rate possible. Under these conditions, the building of a big plant was certainly a big risk. The gentlemen of Standard Oil asked me what suggestion I could make in this circumstance. I told them what we had been doing in Germany some years before, but those measures taken in Germany were not applicable to the United States. Nobody would think of putting an import duty on natural rubber. There didn't exist any Reichsbeauftragter for the distribution of imported rubber and so on. This was a country of free economy. And so the proposal I had thought about when going over the the United States on my ship was this: I made the suggestion to interest the rubber goods manufactures themselves in the production of synthetic rubber by giving them a share in the capital investment and invite them at the same time to make road tests with synthetic rubber tires, to satisfy themselves about the quality of the product and its superiority with respect to natural rubber, especially in the abrasion of the tread of the tires, and if the companies found out that this superiority existed, then to see to it that these big four American rubber consumers might guarantee to the producing plant a certain quantity of rubber of the Buna-S to be taken for a certain number of years. I am quite clear about the point that such an agreement would be a very easy one especially under American conditions; but it was the only thing that could be done and this suggestion was accepted.

It is said here in the record of the meeting: "The Committee felt that he" — that is to Moor — "should contact the tire companies on Jersey's behalf as sponsor for the process, it being intimated to the tire companies that negotiations between I.G. and the Jersey Company have not yet been crystalized but that they are in process of development." The last sentence reads: "At the same time, the Committee will give consideration" — the word "give" is omitted here 22"will give consideration to the capital aspects of the matter. They understand that arrangements with the I.G. regarding the process will

be worked out via Jasco, with perhaps something on the order of twenty-five per cent of net profit overriding royalty to the I.G." This twenty-five per cent of non profit over-riding royalty to the originator of the process — that is to say, to the I.G. — is one of the clauses provided for in the Jasco agreement.

Q The agreement had been achieved about further processing with the various gentlemen of the Executive Committee? Did you subsequently also take up discussion with the large tire companies?

A We came to a full understanding, as I said before with the gentlemen of Standard Oil, and afterwards I took up the negotiations with the representatives of better with the presidents of the four big rubber firms. I saw Mr. Davis, president of United States Rubber; Mr. Thomas, president of Firestone and the two sons of Firestone; I saw Mr. Lichfield of Goodyear; and Mr. Robertson of Goodrich. Mr. Howard was present at the two first conversations and then when I went to Akron in order to see Goodyear and Goodrich, Dr. Hochschwender of Chemnyco was asked by Mr. Howard to be present and to inform him because Mr. Howard had no time to go there.

Q Was the matter quite clear during these conversations, how one wanted to proceed with it and were they accepted favorable in the tire companies?

A These conversations were favorable, especially with United States Rubber and Firestone, also with Goodrich, somewhat less with Goodyear because Goodyear was still a little bit dissatisfied about the fact that we did not give them a license under the I.G. patents in America. The companies all decided to start tire experiments with our material, and specifically Mr. Robertson of Goodrich Co. asked for a participation in the company that would be formed for the production of Buna-S. About these conversations, there are rather exact records made by Dr. Kocher, who was present at all of them, and I don't want to go into detail on that now. I may only mention here that in Book No. VI, Exhibit 180, there is an affidavit of Dr. Koch, our tire

expert at Leverkusen, there is reproduced the memorandum of instructions for the compounding and processing of Buna-S, which memorandum was submitted to the rubber firms, and the Exhibit No. 179 is an affidavit of Dr. Koch, who conducted in the year 1939 the experiments with these rubber goods manufacturers and reports in detail on that.

Q The reports mentioned by Dr. ter Meer, of Dr. Lochr can be found in Book VIII as Exhibit 208, on pages 3 and following. Dr. ter Meer, did you report about the success of your conversation with the tire firms to Standard Oil too?

A Of course. As I mentioned, Mr. Howard and Mr. Bodford were present in some of the conversations with the rubber firms. Then I had Herr Hochschwender with me, who was — so to say — the connecting link between Mr. Howard and myself. And then again I saw Mr. Howard early in 1939, in Germany. Mr. Howard says himself, in his book, "When ter Meer left in January 1939, this program" — that is, the program of the tire experiments — "had been set and was subsequently carried through." Then I saw Mr. Howard in the spring of 1939, in Germany. He himself visited the pilot plant at Oppau, which is mentioned in Howard's book, on page 75. That is in Book No. IX, page 202. These are the numbers of Dr. von Knorin's book, "From Paris," and I quote, "I went to Germany in the spring of 1939 to to check up personally on the butadiene program, which some of our chemical engineers had been following actively with the I.G. people. I visited the pilot plant of the I.G. Oppau Works near Mannheim, where butadiene was being produced by the chlorination process from refinery butylene supplied by Standard. The pilot operation was now working very well, and I was given technical reports and designs for this process."

Q. Did any other gentlemen participate, in the spring of 1939, in the conversation at Oppau with the Standard Oil?

A. Three technical men of the Standard operation in Oppau, which Mr. Howard mentioned in this quotation which I made, and which is more exactly shown in the affidavit of Dr. Cantzler, which is Exhibit No. 183 in Book VI. In this exhibit it is shown that the gentlemen of Standard Oil wanted to see the pilot plant already at the time in 1938; that I.G. Farben answered that they should come later because the small pilot plant working up to that date was just being dismantled; and that the inspection took place in April of 1939. At this occasion, informations on all details of the process have been given to the gentlemen of Standard Oil, the technical men of Standard Oil.

Q. I now have to revert back once more to your visit in the United States in November and December 1938. Didn't you there also participate, besides your conferences with Standard Oil and tires companies in conferences with DuPont in Wilmington?

A. Yes, there were also conversations with DuPont at Wilmington. During my stay in the United States in November-December 1938, there were also with me two gentlemen of Sparte III, in order to have negotiations with DuPont in the nylon field. I was present in part of these negotiations at Wilmington and of course we talked about Buna. At that time, I was surprised to find that the attitude of the DuPont people had entirely changed in comparison with the attitude taken in 1936 when they were not interested in the Buna. Now they were. This is shown in Book VIII, Document 208 —

Q. Exhibit No. 208.

A. Exhibit No. 208.

Q. Page 17.

A. On page 17. I may quote, on page 18, in the last paragraph of this page: "In this connection Robinson," who is one of the directors of DuPont, "suggested putting DuPont in charge of carrying out the polymerisation of Buna-S and Perbunan. According to him DuPont — on

account of his experiences with neoprene and other polymerisates — is best qualified to ensure a uniform and good quality of butadiene polymerisates being supplied in the United States. We replied that, if only because of our commitments with the Standard Oil Co, we were not in a position at present to undertake any binding agreement in this direction." But "Dr. ter Meer definitely declared that I.G. still feels itself obliged, in case the production of Butadiene polymerisates is established in the U. S. A., to negotiate with DuPont beforehand about its eventual participation in this production. In the course of the discussions, it became apparent that Du Pont had fundamentally changed their opinion on Buna and saw considerable possibilities for Buna in the United States today. As matters stand, DuPont will leave nothing undone to participate in the future production of Buna in the United States. In view of the various difficulties which polymerisation presents, the proposal to carry out the polymerisation step separately from Butadiene production and possibly through DuPont is at any rate worth while considering."

Now as a matter of fact I was rather pleased with the results of my trip to the United States. I had the agreement of the four big rubber users to make road tests, to make tires of Buna and to make tires of Buna and to make road tests; I had the assurance of DuPont to cooperate in the whole enterprise; and I had, last but not least, the assurance of Standard Oil to do something in that field, together with us and other partners, in case these road tests would be successful. I had made at that time an outline of the whole capital investment and these figures showed to me that the whole picture looked rather good, but always under the condition that the produced quantity of Buna-S would be sold regularly in the market or at least to those four big rubber manufacturers.

Q. At the end of December 1938, you returned to Germany. Did you there take any steps in order to set the tire experiments in motion that had been agreed upon in the United States?

A. Yes, that had been done at once and is shown in Exhibit 209,

including 212 and 214, where it is shown that we prepared for sending out tire lots to America where we show the transfer of Mr. Koch to America and other details.

Q. I believe we do not have to deal with that in detail. In the spring of 1939, you yourself wanted to return to the United States, isn't that right. Why didn't you carry out that plan?

A. I had booked for New York for the beginning of the month of May because I had an invitation to the New York Exhibition at that time, together with my wife and my daughter, and we were on the point of taking the steamer in Bremen when I heard Mr. Koch that the road tests in America would not come along as quickly as I had expected. The work of Dr. Koch in these various rubber factories had lasted longer, certain preparations had to be made there for the so-called thermal plastifying process and the manufacture or the preparation of certain tires with Buna-S treads were only underway in the months of April and May so that there would be no road tests available in May. But specifically it was pointed out that these road tests would be of no avail to the companies because they wanted to test the tires under conditions in July and August, especially in Florida and California, in order to see whether certain results made in earlier months could be confirmed in the hot months. Under these conditions I gave up the trip to America for the month of May and postponed it until the fall of the same year. After a number of telephone conversations with Mr. Howard, and according to a letter I have written to him, which is Exhibit 217 in Book 8, on page 53, I may quote: "Dear Mr. Howard; I confirm our telephone conversations of May 27 and June 2 and wish to repeat briefly what we discussed over the phone. Our rubber expert, Dr. Koch of Leverkusen, has been in the United States for several weeks and has given to the big four and General Tires" -- that was the fifth firm -- "the necessary indications for the use of Buna-S in tire manufacture. At the present time, the rubber manufacturers are carrying out certain laboratory tests. In order to avoid any setbacks, we intend to send Dr.

Koch to the United States again in the course of the month of June, so that he may be able to assist when the first batches for tires will be made. We are hopeful that road experiments with Buna tires can be carried out during the summer months so that conclusions may be available in the fall. As you know, it is my intention to come over to New York in the course of October of this year." That was the postponement.

Q. When you postponed your trip, did any other reasons play any part, besides the one you have mentioned?

A. No, there were no other reasons. As a businessman, I formed the idea that a visit to the United States under those existing conditions was of no use and that by talking over the whole story again with the rubber firms we would not make any progress. Besides that, if I had to consider to go to the States in the fall, I had not to go in the spring because I had not the time to make two trips to the United States within one year.

Q. Were these tire experiments successful, that were undertaken in the summer of 1939 in the United States?

A. Yes, these tire experiments were to a certain extent successful. They were not successful in the same way with every firm concerned because the interests of the various rubber firms were somewhat different. At any rate, with Goodrich the results were satisfactory, which is shown in Exhibit 220, in which --

Q. Book VIII, page 58.

A. --- in which it is reported, in a letter addressed by Dr. Konrad to me, submitting reports from the Chemnyco, dated July 21, 1939. At that time, Dr. Koch was not in the States. He had postponed his visit to the States for a month or so because his wife was ill, and Dr. Beller of the Chemnyco, has visited the four firms at the four rubber firms and has sent these reports. The report on a conversation with Goodrich Co. Akron, on 12 July 1939, reads: "In reply to our questions, Mr. Robertson" -- that was the president -- "replied that his company was very anxious to enter into a financial and technical agreement with the future manufacturers of

Buna-S. , Mr. Robertson and Mr. Semon" -- Mr. Semon is the technical expert in chemical questions and so on -- "are of the opinion that a hundred tons of Buna per day, about five per cent of the total consumption of rubber in the United States, could be dealt with without difficulty; and they take it that even a production of two hundred tons per day, equal to ten per cent of the rubber requirements in the United States, could be carried out without upsetting the price and the market."

Now this shows that not only the experiments were successful to a certain extent but that at the same time Goodrich, being one of the biggest consumers of natural rubber in the United States, was eager to participate in such an enterprise and that they talked about the possibility of using quantities which were larger than the quantity we had in mind to manufacture in the first big plant.

Q How do you explain the fact that the Prosecution makes a conclusion that Farben endeavored to oppress the research and development of Buna in the United States?

A Well, I don't know.... According to my opinion, and as I have said before, it is probably due to a lack of knowledge about the complicated technical, economic, and contractual aspects of the matter. A retrospective study of letters and records and so on leads sometimes to wrong conclusions, which seems to me the case here. One has to take into consideration that the whole matter raised much dust in the United States after Pearl Harbor. There were the Senate hearings at Washington, and all the rest of it.

To make a long story short, in my opinion, we have heard a typical case of the development of a myth. If the Prosecution says in the trial letter: "But Ter Meer did not enter into any final contractual arrangement, and in the spring, 1939, negotiations along the line came to an end"—so this is erroneous again. As a matter of fact, the tire experiments were conducted until the very outbreak of war in Europe, as the documents show, the reports of Mr. Beller of 21 July, 1939, and the preparations for the arrival of Dr. Koch in August, 1939.

Q Were there negotiations continued after war broke out in Europe?

A No, these conversations about bringing the Buna-S know-how to the United States, to build there a big plant, and to come to that cooperation which I explained before, came to an end by the outbreak of the war. The only thing which happened was what I may call the epilogue of the Hague Conference. It was, as far as I know, Mr. Howard's proposal to make a readjustment of the Yasco agreement. Dr. von Knieriem has reported on that. We transferred all the patent rights for Buna to Standard Oil, as mentioned in Dr. Loehr's affidavit, Exhibit 176, in Book 6. There were seventy-seven patents. But we could no longer give know-how after the outbreak of war, especially in connection with the fact that through the readjustment of Yasco, Standard Oil took over the patent rights for France and England, two countries which we were at

war with.

Q Did you negotiate with the German authorities after the war broke out about surrendering know-how?

A To the best of my recollection there has not been a fundamental discussion with a number of gentlemen of the Reich Ministry of Economics, or something of that kind. Probably I have seen in those months several times Dr. Eckel of the Reichsamt fuer Wirtschaftsausbau, who at the same time, as I mentioned, was an official of the Reich Ministry of Economics, and we may have touched upon this point too. But I don't think I had an official conversation with the Reichswirtschaftsministerium, and I think there was no prospect of any success for having the permission to transfer under these new conditions know-how to the United States. And, well, I am not the type of man who likes to be taught a lesson by state officials.

Q Did you at any time have the intention to damage the war potential of the United States and to weaken it?

A No.

Q You know that the Prosecution charges you with that.

A No, at no time only the thought of it came up with me that the Buna matter could have anything to do with the war potential of the United States at all. The United States had as much natural rubber as they wanted to have--and cheaper than Buna-S. Now, if I had had--which is not the case--military ideas about this matter, I could have come to exactly the same result.

The United States Navy ruled over the Pacific, and Japan was much too weak to do anything against the strong position of England in the Far East, which was protected by the powerful fortress of Singapore. One would have had to be a prophet at that time in order to foresee the events which took place after Pearl Harbor. I think if anybody had told the Americans in 1939 what happened at Pearl Harbor, and that later on Japanese forces went through Malaya, attacked Singapore, took the strongest fortress of the world in a short time; that shortly before that the

two most powerful battleships of the English Navy were sunk by Japanese aviators; that then the Japanese Navy occupied Sumatra and Java, and got about eighty-five per cent of the natural rubber production of the world in their hands--I am afraid a man would have called such a man a lunatic.

Q What can you say about the statements submitted by the Prosecution made by certain defendants about International negotiations and agreements and the intention of the German Government and Farben to maintain the German Wehrmacht as strong as possible?

A There have been such statements, I recall that quite well, and the explanation I have for such statements is this: That the persons in question who made such statements knew something about the law concerning high treason for the transfer of know-how and so on, but did not know in detail which attitude those persons in I.G. Farben had and took in connection with carrying out their contractual obligations towards our firm.

Q In Book 48, the Prosecution has filed a number of documents which are to show that Farben used Chemnyco in order to carry on espionage in the United States in the field of synthetic caoutchouc. These are documents of the Prosecution Exhibit 880, NI-10662, Book 48, page 11 of the English and German; Exhibit 281, NI-10579, Book 48, Page 12 of the English and German; and Exhibit 875, NI-19577, Book 47, page 103 of the English and 183 of the German.

Do you remember these documents, and can you make any statements about them, Dr. Ter Meer?

A Yes, I recall these exhibits quite well. Here again an entire misunderstanding about the actions of Chemnyco... I think that within the exhibit presented for the Case Buna--USA there are at least a dozen letters and cables exchanged between either Chemnyco and I.G., or between Mr. Howard and Chemnyco; or Mr. Hochschwender, who is Chemnyco, and Howard, or myself, including the reports on the road tests and tire tests made by the four big rubber companies at Akron; reports which

were then sent to Dr. Konrad at Leverkusen by Dr. Beller of Chemnyco, so that the nature of this work is now more than clear.

I would like to add that the role of Chemnyco was a very clear and simple one. Dr. Hochschwender was at New York a kind of technical representative of I.G. Farben, and he carried out specifically the agreements existing between Standard Oil and I.G. Farben. Such complicated agreements require a personality who is a connecting link, if an ocean separates two companies as was the case here, and I may recall in this respect that Dupont had, as I mentioned beforehand at the beginning of my report on conversations with American firms, had at London a company which had exactly the same tasks that Chemnyco had for I.G. Farben in New York. That is to say, being a connecting link for probably Dupont and I.C.I. in England, who cooperated very closely together, but at the same time for collecting information about developments of chemical industry in all of Europe. And from one of the documents which has been introduced in this connection, it is shown that I myself invited Dr. Siemlis of that London office of Dupont to get in contact with the leading scientists of our big laboratories at Ludwigshafen, Hoechst and Leverkusen. I wouldn't have invited him if I thought he was a spy, or something like that. He was sent to Europe in order to follow up those developments which were open to everybody and to every decent man, and he approached me in order to ask my permission whether I would introduce him to my cooperators in the scientific field, what I did. That is a usual procedure of big concerns.

DR. BORNEMANN: Mr. President, I have only a few questions in conclusion, but I don't believe we can finish them before the noon recess.

THE PRESIDENT: The Tribunal will rise until one-thirty.

(The Tribunal took a recess until 1330 hours, 16 Feb. 1948)

AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 16 Feb. 1948)

THE PRESIDENT: The Tribunal is again in session.

DIRECT EXAMINATION (Cont'd)

FRITZ TER MEER, Resumed

BY DR. BORNEIN (Counsel for defendant ter Meer):

Q. At the end of this morning's chapter I have a few more questions to ask you.

The Trial Brief mentions that in 1942 you wrote a letter to Prof. Krauch, which the Prosecution has introduced as Prosecution Exhibit 960, NI-10455, in Book 42, German text page 125, English 136. In that letter you stated, and I quote:

"In conclusion I would like to state that experience and processes for the production of Butadiene and Buna-S and -N were never given to any foreign country."

Please express yourself on this statement. As far as I was able to follow you, the experiments conducted at Baton Rouge, the intensive inspections of your experimental plant in Oppau by representatives of American companies, the giving of reports, drawings, samples, and so on; and finally the tire experiments conducted America gave much know-how to the United States. Is that correct?

A. That's absolutely correct. Now, the letter which I wrote to Prof. Krauch in 1942 ...yes... was written after Pearl Harbor, and I had got a letter from Mr. Krauch, or Mr. Krauch's office, asking about the transfer of know-how in the Buna field to American concerns. Now, Germany was at war with the United States, and I was afraid that an investigation could be made in Germany in order to find out whether we had given know-how to the United States without the consent of the government agencies, and that might be a very nasty thing, not only for myself, but also for my associates in the works who had given that know-how after consulting with me. These things were a joke in Hitler's Germany, and I therefore denied to have forwarded any information on know-how.

I agree that this statement was not correct. We had given Standard Oil informally a good deal of information. We had acquainted the rubber goods manufacturers with our main Buna branch and with full information about handling and processing of Buna, including tire manufacture. I am quite sure that it was not casual when the United States based their self-sufficiency during the war primarily on Buna-S. They knew the product, and they reproduced it.

Q. What feelings did you have when the war broke out between Germany and the United States? Was it not a great disappointment for you that the outbreak of war destroyed your plans in the United States?

A. You mean the outbreak of war in Europe?

Q. Yes.

A. Because at that time the conversations with Standard Oil came practically to an end.

Yes, it was a very great disappointment for me. In summer, 1939, -- July or August -- after having received those favorable reports on the tire experiments in the United States, I believed to have all the good cards in my own hands, and I was very hopeful and looked forward to that trip to the United States I was going to make in September or October, and everything was already foreseen for that. Dr. von Knierim was informed; Dr. Ambros and Dr. Mueller-Cunradi were both informed to reserve a certain number of weeks for going to the United States in order to talk business at once, and all this, of course, had to be given up. That was a very great disappointment.

Q. You have already told us what effect the outbreak of war had upon the Jasco contract and the transfer of patents. Now, what about the affair with Dupont? Were you able to keep Dupont informed after the outbreak of war?

A. You will recall that I gave to Dupont in December, 1939, the assurance that when I would come back in 1939 and some kind of agreement would be worked out, and that I would do my very best to have them

participate in such an agreement or some new firm, or whatever it was.

Now, this also couldn't be fulfilled, and this was specifically disagreeable to me, because it was here a kind of gentleman's agreement. It was only a verbal commitment.

So I cabled to Howard on October 16, 1939, Exhibit 222, in Book 8, page 84. This is a cable which I sent, and that includes the following sentence, the last sentence: "As discussed between us, we ask you to approach Wilmington before starting to exploit Buna patents."

Now, "as discussed between us" means that -- what I do not recall specifically, but it must have been that way -- that when Howard had been at The Hague he has been informed through Dr. Ringer from my intention that he might get in contact with Wilmington, and I confirmed it again by cable in October, and I know quite well that I worded it very carefully because I wanted Howard to understand that I gave a certain importance to that point.

It was not a question of regards towards the firm Dupont. Also, this idea too intervened. My idea was another one. I wanted to substitute Dupont for I.G. in the cooperation with the oil firm, Standard Oil, in order to exploit and make use of the know-how and so on they had gotten from us. Standard Oil, being oil people, needed the cooperation of a good chemical concern. Now, the very best available in the United States was Dupont.

I have read beforehand from the conversation I had with Dr. Robinson of Dupont in December 1938, I have mentioned the interest of Dupont their assurance that they would certainly participate in the development of Buna, if at all it would be possible, and so I hoped that also without my presence in the United States, Standard Oil and Dupont would easily come together in the Buna field now, after I.G. Farben had given the patent rights but had not been able to give the know-how -- or the missing parts of the know-how would be the better expression.

But, I am sorry, it didn't work. I got a cable from Mr. Howard, informing me that this conversation didn't go along quite favorably, and that Dupont had right away asked for monopoly rights in the Buna patent field, which, of course, Standard couldn't give. And this matter then came to an end.

Mr. Howard refers to that on page 44 of his book, which is also included in the extracts. He says here: "In 1939, when Standard took over I.G.'s interest in Buna in the United States, it developed that in the course of its neoprene discussions with Dupont, I.G. had promised Dupont that it would give them a chance to make a proposal before making any final decisions on Buna in the United States. Standard had to make good on this promise, but nothing ever came of it. Dupont first stated it would be interested in Buna only on the basis of an exclusive license. We could not consider this. Later, Dupont made an inquiry about terms for a possible non-exclusive license, but no active negotiations were ever undertaken."

That was, in my opinion, a pity, because otherwise Standard Oil would have been practically in the same position as Standard was as long as I.G. Farben cooperated with them.

Q. There were two other excerpts from Howard's book, which you intended to present to the Tribunal which are not in Mr. von Krieren's document book. Those are the excerpts which are offered as Exhibit 227 in Book 9 and which refer to Goodrich and Goodyear. Will you please tell us what you mean to prove by these excerpts? They are on pages 69 and 71 in Book 9.

A. Yes, those two extracts from Mr. Howard's book are extracts from reports which the two rubber companies, Goodrich and Goodyear, made on synthetic rubber to a special Committee of the United States Senate Investigating the National Defense Program. I am sorry that in these copies this is not mentioned.

These two statements on page 69, and 71, 72 and 73 are such statements to the Special Committee of the United States Senate Investigating the National Defense Program; and extracts from them are given here in order to show that by 1939, by the time of the outbreak of war about, both companies had advanced their experiments in the Buna field so far that they were more or less able to go ahead with manufacturing.

This was specifically the case with Goodrich, who had started research in the Buna rubber field already in 1935. It is said here, "By 1940 we had fully developed two distinct types of butadiene," that is page 70 69 and 70, two figures, 70 it is, the paragraph but the last one, "By 1940, we had fully developed two distinct of butadiene copolymer synthetic rubber a tire rubber and oil-resistant specialty rubber, neither of which infringed any of the German I.G. Buna rubber patents. A commercial synthetic rubber plant was completed in that year, which had a capacity of six tons per day, or about 2,000 tons a year, and had facilities for making each of the two distinct types of butadiene copolymer synthetic rubbers.

"On June 5, 1940, the B.F. Goodrich Company announced its new synthetic rubber under the trade names, "Liberty Rubber" and "Ameripol", signifying the American polymer, and we displayed tires made from it as the first synthetic rubber passenger car tires to be offered for sale to the public in this country."

Now you cannot sell on June 5, 1940 tires if you do not know, in or by 1939 and earlier, how to manufacture the Buna in question.

JUDGE MORRIS: Counsel, would you mention again the exhibit number on which the quotation was made by the witness?

DR. BORNEMANN: 226.

JUDGE MORRIS: Thank you.

DR. BORNEHANN: Book 9, page 68.

THE WITNESS: 68.

DR. BORNEHANN: It begins on page 68. I am talking about 227.

THE WITNESS: No, no, no, Exhibit 226 contains three extracts. The first one is the list of the rubber prices; the second one is the Goodrich report and the third one is the Goodyear report, and all three are under No. 226.

DR. BORNEHANN: I beg your pardon; I was confused.

THE WITNESS: They are all the same number.

Q. In your answers, Dr. Ter Meer, you have frequently referred to Howard's book, "Buna Rubber". When did you learn of this book; when did you become acquainted with it?

A. Well, we heard about the publication of that book some time since summer of 1947; long after the beginning of this trial, and I think we got the first copy about at the end of October, beginning of November; sometimes around there.

Q. Then you did not know the book yet when, in November, 1945, you wrote a memorandum to Mr. Lasky the Chief of the DeCartelization and Planning Branch, a record of your negotiations with the American firms?

A. No. This book is copyrighted 1947; and my report for Mr. Lasky has been made in September, 1945, — or November 1945.

Q. This report is reproduced verbatim in Ter Meer Document 103, Exhibit 175, in Book 6, page 9; you have reproduced this report in an affidavit which you signed recently, Dr. Ter Meer. Do you have anything to add, or any corrections to make?

A. No, I have not. I think this report is quite in order.

Q. Then how do you explain the large degree of agreement between your statements and the statements of Mr. Howard in his book?

A. I think it shows that we had both quite a good memory, because we reported on the same matter, which we both knew quite well.

DR. BORMERIAN: That completes my questioning on this subject. The further examination will be conducted by Dr. Berndt, and will refer to other counts of the indictment.

DIRECT EXAMINATION (Continued)

DR. FRITZ TER MEER.

BY DR. BERNDT: (Counsel for Dr. Ter Meer)

Mr. President, first of all I should like to point out that I shall refer to one book, and that is Book 72. I would be very grateful if the Tribunal could have that book, 72, brought in. I shall direct the further course of the examination as follows:

First of all, I shall deal with the end of Count I of the indictment that is, the question of whether Dr. Ter Meer knew of Hitler's intentions to wage a war of aggression. Then I shall go on to an affidavit of Dr. Ter Meer about the labor policy of Farben, which is in Book 3, Document 75. It has not yet been introduced.

I then intend to deal with the points which the trial brief mentions as charges against all defendants and specifically Dr. Ter Meer; that is, knowledge of atrocities and so forth.

Finally, the questions of conspiracy. I now come to the first part, that is, the question of whether you, Dr. Ter Meer, had any knowledge of the aggressive intentions of Hitler. You know that the Prosecution charges you and all of your colleagues in the Vorstand with this knowledge because they say that, by virtue of your position in the economic life of Germany and your knowledge about rearmament in the chemical sector, you know, or at least must have known, that Hitler planned a war of aggression.

A. Like very many, and probably the vast majority of Germans, I did not believe up to the last minute that there would be war. That was my point of view on the basis of serious consideration, and on the basis of common sense. I admit that I failed to consider one thing, that is the madness of a man who consciously drove Germany to disaster.

Q. On 17 December, 1936, Goering made a speech in the Preussenhof

before industrialists. Of Farben men, Mr. Krauch and von Schnitzler are supposed to have been present. As we have heard here, Goering is supposed to have spoken of the time when the final altercations were approaching: "We are in the middle of mobilization and in war; there is just no shooting yet". The Prosecution has submitted an exhibit, Exhibit 423, to prove that Mr. von Schnitzler, after this meeting, on 22 December 1936 reported on this matter in the larger dyestuffs committee. You are supposed to have been present at this committee meeting.

A. According to the minutes I did attend the meeting, but I must say quite frankly that I cannot remember this particularly. I do not know what Mr. von Schnitzler told us about the meeting in Berlin, but even if he had reported the contents of the Goering speech very thoroughly, I believe that it would not have made any big impression on me, because that was in December 1936, about a year after the conclusion of the Naval Agreement with England. I do not know where the "loaded guns" were that Mr. Goering spoke of, but Mr. Goering liked to express himself very bombastically, here too, and so I do not believe I would have taken it seriously.

Q. Did you hear anything about the so-called Karinhal or Krauch Plan of 12 July, 1938?

You know that the Prosecution has submitted three exhibits on this point, 439, 440, and 442. All three of these documents are designated "top secret", and all three show quite clearly that there were only a few copies prepared.

Do you know anything about these documents? Do you know anything about the so-called Krauch or Karinhal Plan?

A. The three exhibits mentioned, which I myself have examined once more, could, of course, not have been known to me. They are all "top Secret"; there were only four copies of the first two. I consider that quite impossible.

These are military economy and accelerated plans dealing specifically with munitions. The third one, Exhibit 442, expands this new or accelerated

plan to mineral oil, rubber, and light metals.

It is possible that the effects of these plans might have made themselves felt on us in some cases, through the Reich authorities, but we never had the plans in our hands, of course.

Q In the trial brief the Prosecution also says that because of the nature of the products of I.G. Farben, and because of the fact that there were many contracts and negotiations with military authorities, you and the other defendants knew, or must have known, that this production of Farben served only for building up the Nazi war machine.

It is pointed out that because of the amounts of production, the acceleration of production, the planning of production, and the fact that the military strength increased visibly from year to year, you knew or must have known at that time that this served to build up the Nazi war machine. Will you please comment on that?

A I believe that last week I spoke quite exhaustively on I.G. Farbenindustrie's participation in rearmament. I emphasized quite clearly in what fields there was this participation, and I listed magnesium products, the manufacture of certain special products, aid in stand-by plants for the Reich, and I tried, by giving certain figures, to prove that there was no vital contribution of Farben, so far as we could tell what happened to these products.

Q I know that you said an example that from a certain substance one can make many things for civilian consumption and at the same time something can be produced which is useful only for war. Could you give us one example, just by way of illustration?

A Yes. When Mr. Struss was examined, I discussed some such examples with him. For instance I asked him about nitric acid, sulphuric acid, chlorine and other products, and asked him what the final products were, and I had him tell us how large the proportion was in the explosives and gunpowder. We came to the figure, which was calculated here in court by Mr. Struss that in 1938, the entire powder and explosives production of the DAG, so far as Dr. Struss knew about it was less than 5 per cent.

On this occasion it was made quite clear that it is a fact that a number of products are quite normally peacetime products in peacetime,

and in wartime they are important raw materials for military purposes, used in larger quantities the longer the war lasts and the greater war production becomes, or the more total the war becomes.

We come here to the well-known concept of the war potential that affects not only the chemical industry, of course, that affects every industry.

The biggest automobile factory in Germany before the World War was the Opel plant near Frankfurt, which was under the control of General Motors in America. One can also reproach General Motors and say that by modernizing and expanding this automobile plant, which produced over 50 per cent of German passenger cars, they promoted Germany's rearmament. They did not do that, and they did not intend to do that. They just wanted to produce automobiles. But by the fact that they had introduced the most modern American assembly-line methods, that they made the three-ton truck the most popular truck in Germany, later the only 3-ton truck in war use - and it was built by other German firms, too - they quite unwittingly and unwillingly helped the German war potential. That is unavoidable, or else you have to stop building factories.

Q. Mr. Tor Norr, in the trial brief it is said that from the fact that here in Germany, years before 1939 peacetime and luxuries were restricted you must have known that a mighty war machine was being built. What do you have to say about this remark?

A. I can only say that I do not understand how the facts in the latter years, when the lack of foreign exchange was not great, in '38 or so, there was a lack of butter here and there or some of the most expensive shirt materials were no longer imported from England, because the clearing system with England did not function correctly any more, or such other phenomena - I don't see why that justifies the contention that for years we dispensed with peacetime goods and luxuries.

On the contrary, I would like to say that the middle of the 1930's the situation was quite good in Germany.

Think of 1936, the Olympics in Berlin; think of the enormous influx of American tourists. I know quite a number of German-Americans who had their own houses at the Starnberger See, who liked to come to Germany. They wouldn't have come if one had to starve in Germany, or anything like that.

I know that there were certain scarcities of the clearing system didn't function with certain countries, I think that speaking of an impoverishment of Germany before the war is quite mistaken idea.

Q The trial brief also says that the Thyssen and other steel industrialists refused to expand production according to the Four-Year Plan, since this expansion of production would have been uneconomical. You of Farben, on the other hand, acted according to the Four-Year-Plan, and observed it in every respect.

A I consider this statement, too incorrect. It is true that the iron and steel industry in the Rhine and the Ruhr was not prepared to participate when the Hermann-Goering-Werke set up an iron and steel industry in Central Germany. This did not seem good business to them, because a rather large new iron capacity had to be created at higher prices than iron could be produced at in the Ruhr, from Swedish ore. The time might come when new plants would have no work, and since their products was more expensive than that of the industry, they might be closed; and the iron industrialists did not want to get into this risky business, and that is why the Hermann-Goering-Werke a state plant, was set up. It would be wrong to conclude from this that the heavy industry on the Rhine and in the Ruhr was not interested in projects of the Four-Year Plan. Just think of the gasoline plants, which were built by heavy industry both according itself, and Tropsch process, which was developed in Essen by heavy industry itself, and according to the Farben hydrogenation process. Very important plants in this field were built, and one certainly cannot say that heavy industry had any objection to projects of the Four-Year-Plan.

Q The trial Brief also says that Schacht, who was a man of experience in finance and economy, saw the dangers in the Four-Year-Plan, and the over expansion of production facilities, especially for synthetic substances, and since he, Schacht, realized the dangers, he turned away from Hitler. The Trial Brief asks why the men of Farben did not do likewise. They too should have realized the danger.

A I must say that I do not quite see the parallel. Schacht was a Minister, and Farben was a private firm. There is no comparison. Besides, so far as I know, Mr. Schacht resigned because after the Four-Year-Plan was set up which gave Goering extremely great authority he felt himself in a certain opposition to Goering as Minister of Economics, and he probably observed that it was not very easy to deal with Goering besides Schacht was director of the Reichsbank, and therefore, I believe strong financial considerations were involved.

I do not know Schacht's exact motives. What I have just said I have from hearsay.

Q The Prosecution, in Book 1, page 84 in the English, has offered an exhibit according to which a co-defendant has said that Dr. Ungewitter, the manager of the Economic Group Chemistry, in July 1939 told him that the conflict in Poland might break out at any moment, and for this reason production should be transferred away from Ludwigshafen. The gentleman in question objected, saying this was impossible. On the next day the man came to Frankfurt and told you about the matter, and you confirmed the attitude which the Farben man had taken against Ungewitter. Can you tell me anything about this incident.

A I can tell you one very positive thing about this incident. I believe this was supposed to have been in July. I certainly was not told by any one that there was a war with Poland coming, either Mr. Ungewitter or the gentleman in question. Whether this gentleman discussed with me the technical possibility of transferring part of the Ludwigshafen production to other plants I do not remember. That was, of course, impossible, on a large scale. One can't move a big plant over-night.

I believe that it is also mentioned in the same connection that Mr. Ungewitter probably talked to me himself, and also at about the same time discussed with Mr. Wurster and Mr. Ambros the transfer of Ludwigshafen operations to Central Germany. I can tell you very definitely that this is complete nonsense.

My joining the Economic Group in the sense that I took an interest in the economic group, was only after I was called to the Praesidium — that is, 1942. If you want to include the time the organization — 1941. Before the outbreak of war, Dr. Hess, the head of the Economic Group at that time, appointed me to the big council (Beirat) and I attended literally one session. I was too late at that because my train was late; I was present for one hour. That was the only time that I saw Mr. Ungewitter at any meeting before the war, to the very best of my recollection.

What Mr. Ungewitter could have discussed with Mr. Wurster and Mr. Ambros at the time, I have no idea. These two men were neither in the council of the Economic Group at that time nor did they have anything to do with it. They, too, came in 1942, when the Economic Group was re-organized, and were put in charge of certain sub-groups. Affection for Mr. Ungewitter among us technical men was not so great that we called on him voluntarily and tried to learn something from him.

Q What can you tell me about your knowledge of the state of military armament in Germany?

A As for exact knowledge, of course, I didn't have any. These things were kept secret. But I should like to tell you something about symptoms which I know very well; my own son in 1936 spent six

weeks on maneuvers as a student. He was assigned to a machine-gun company of an infantry regiment in the Allgan. This machine-gun company in 1936 had not a single machine gun, and the young recruits were trained with the aid of a model. I was somewhat impressed by that. In the same year, 1936 - my son was called up in the fall and he told me about it at Christmas when he came home for the holidays - that was the same year when Mr. Goering said that all of the guns were loaded. In this case at least there was only a model.

At a somewhat later time I asked Dr. Paul Mueller by Dynamit Nobel what was the production of powder and explosives in Germany. He said he couldn't say; that was secret. But after thinking it over he said "Well, I will tell you one thing. It is much, much lower than production in the first World War, a fraction." That was at a time when aviation had come up in the meantime, where bombing would require large additional amounts of explosives if there was a war, and the speed of operation of guns had been multiplied. I was not impressed by the fact that our armament was especially good.

Then, everyone of us knew that there was a lack of officers and non-commissioned officers in Germany. We saw that very old reserve officers were being called up. I did not have the impression that our Army was so strong at the outbreak of war as other countries in general assumed. And because I knew that it was not so very strong, for those various symptoms which are noted, I never believed in the possibility of a war, because our leading military men included some very sensible thinkers.

Q Did you know any details about the strength of the Luftwaffe?

A No I know nothing whatsoever about the strength of the Luftwaffe in those years.

Q Tell me, Dr. ter Meer, was not Farben in 1939 building a chemical factory in England?

A Yes, in 1937 we began negotiations with ICI for the construction of a very modern plant incorporating the latest experiences a dyestuff factory in Trafford Park, near Manchester. This contract was

concluded 1938 and signed at the end of 1938 or the beginning of 1939 for the construction of the factory began in 1938. Dr. Ambros and I were there ourselves — I believe in January and February 1939 and inspected the plant with Mr. Conshaw (Phon.) of the ICI. Equipment was being installed; this work was not finished when the war broke out. There were some of our men in Trafford Park until a few days before the war broke out; they were called back by telegram at the last minute.

Q I shall enter an exhibit on that subject in a moment. First, I should like to ask you a few other questions. Did you ever read anything about the visit of American chemists to Hoechst in August 1939?

A Yes, two men of the well-known American chemical firm, Union Carbide and Chemical Corporation, visited Europe in the summer of 1939. They were in England, France, and came to Germany, too. They came to Frankfurt. They were driving around in the country in an old car without any chauffeur. They wanted to look at the country and the people, and probably they wanted to profit a little as chemists by inspecting a few things here and there.

The men wanted to inspect one of the Farben plants. I was called up by Hoechst — or I was informed later, I don't remember exactly — but I do remember the incident very well. The men inspected the Hoechst very thoroughly.

Q Did these men not observe a certain contrast between what they saw in Germany at that time and what they had seen in other countries in Europe?

A I do not remember that myself. I did not go to Hoechst on this occasion. They were two very young men and I didn't go out there; but the article shows that the two chemists expressed their astonishment at the fact that both at the ICI in England and at Kuehlmann's, they were received in a very unfriendly manner and had been shown around very superficially — I believe they mention a boiler plant and a sulphuric acid plant — with the comment that there was too much secret work. It is also stated in the article that in Germany they had a very

pleasant reception.

Q Where were you, yourself, in August 1939?

A During most of August 1939 I was in Karlsbad on vacation. After that I went to visit one of my sisters in Bavaria. About a week before the war broke out I was back in Frankfurt.

Q How many children did you have in August 1939?

A One daughter.

Q You said before that you had three children. You had lost two children in the meantime and you had only one daughter. Where was this daughter, in August 1939?

A In July and August for two months she was in Finland with a girl friend visiting my Swedish relatives.

Q You did not call your daughter back then?

A No, why should I?

DR. BERNDT: Regarding the last three statements which Dr. ter Meer has made, I should like to offer four affidavits. These are in Book 3 on page 45 and 50. Page 45, Book 3: this is an affidavit of a man named Heinrich Schuh, who is now working at Leverkusen. It is ter Meer Document No. 68, which I offer as Exhibit 230. In this affidavit Mr. Schuh says that in 1937 a contract was concluded between Farben and ICI for the erection of a chemical factory in Trafford Park near Manchester. This plant was almost finished when the war broke out. The equipment and machinery was being installed. All the machinery and everything ordered for this factory in England had been sent there before the end of August. These men were suddenly called back at the end of August.

In the same book, on page 50, there is an extract from an article in a chemical magazine of December 1939, which two Americans under the heading: "Behind Locked Doors in Europe", describe their visit to chemical factories in England and France. This is ter Meer Document 69 which I offer as Exhibit 231.

In Document Book 1 I have two affidavits to offer. One is on page 91. This is an affidavit by the sister of Dr. ter Meer, stating that her

brother, Fritz ter Meer, came to Nouhaus to visit her on 24 August 1939 together with his wife, after having been in Karlsbad; that Dr. ter Meer did not leave in any hurry, and he did not bring his 77-year-old mother, living in Uerdingen on the lower Rhine to Nouhaus, but he did this later, when he got back to Frankfurt.

And on page 93 there is an affidavit by Dr. ter Meer's daughter, the only child living at that time. This is Document No. 34, which will be Exhibit 233. In this affidavit Dr. ter Meer's daughter says that she was in Finland at this time and her father did not call her back. She also says that her father intended to go to America in the spring of 1939; the trip was cancelled for reasons which she did not know, but her father invited her later in the same year — in the fall, that is to say, in the fall of 1939 — to go to America with him.

THE PRESIDENT: Pardon me, Dr. Berndt. Now, you have offered your Document 34 as your Exhibit 233. You commented on your Document 33, but I do not believe you gave it a number. Is that 232?

DR. BERNDT: I beg your pardon, Mr. President. That is to be 232.

THE PRESIDENT: Thank you. Then Document 33 is Exhibit 232, and Document 34 is Exhibit 233?

DR. BERNDT: Yes.

THE PRESIDENT: Thank you.

Q Dr. ter Meer, can you tell us briefly what you observed about the attitude of the German people toward a war of aggression in the summer and fall of 1939?

A I can only say that there was anything but a war-mood in Germany. That was quite natural. Every German of about 40 or more who was healthy had been in the trenches in the first World War. It isn't easy to get a man into the trenches twice in a lifetime. Anyone who has experienced the miseries of a big war has no interest in experiencing a second war. To my observation in all circles with which I had any contact, my relatives, my friends, my business associates, or whoever it may have been, there was no trace of war-sentiment; and it is quite

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generally known that in the circles of the Party the English declaration of war was so unexpected that it was like a bomb. That was my experience.

Q Before 1939, when were you abroad for the last time, and in what countries?

A Do you mean 1938 or do you mean before the war?

Q I mean before 1939.

A Well, in 1938 I was in America....

Q That's enough. No doubt you talked to important businessmen there. Did you learn anything about the attitude of these men against Germany, especially in the eventuality of a war?

A. I should like to say this; in Anglo-Saxon countries it is not customary to discuss political questions with foreigners, especially concerning the country of the visitor. Therefore, the important men of Standard Oil and the big rubber companies did not say anything especially about this to me. But I made another observation; since in the preceding years I had also been in America frequently — seven times altogether between 1928 and 1938, including this last trip, — I was able to see that the opposition to Germany had increased to a frightening extent by 1938. The hostile attitude toward Germany could be seen in small newspapers in country places where one might be invited for a week-end. Sermons were held against Germany from the pulpit; I read one sermon where Hitler's breaches of contracts were the subject of a sermon. That did make a deep impression on me. As you will recall, I reported on this matter to the Gauleiter. The fact that there was this strong animosity against Germany in America strengthened my belief that there would be no war, because the German government had to be much more thoroughly informed of this sentiment through diplomatic channels than I from a casual visit of a few weeks to America. The fact that America would support our enemies or our presumable enemies, England and France, and would supply them material, would be fatal for Germany, because Germany was a relatively poor country and could never wage a war of material lasting for years. This was another reason why, as I said in the beginning, for considerations of pure common sense I did not believe in war, since these were facts which everyone in the German government had to know as well as I, if not better.

In describing Buna synthesis in Germany I pointed out that I happened to know about this because I worked with Buna and that we had a ridiculously small supply of natural rubber plus Buna in the country when war broke out. Apply that to other fields, as in the case of our production of liquid fuels. Compared to America's production it

was a ridiculously small fraction; perhaps one percent, two percent; I don't know -- something like that. In a war the airforce would take a much more important role than in the first World War. And the motorizing of the army, too, would require much greater quantities of fuel than the first World War. It was not only I that knew this in Germany. Our military leaders must have known this very well, and they included very sensible and calm people. And so, as a man who looks at things objectively and calmly, I considered it impossible that there would be a war, up to the very moment when war broke out.

Q. I have only one final question on this subject. Did Farben have any interest in a war?

A. A big firm with a great deal of international business is not interested in war. We had experienced the first World War, and I have described rather thoroughly the results of this first war, because they were partly the occasion for the merger of I.G. -Farben-industrie later. We had no interest in losing our foreign sales organization which we had built up step by step carefully since the year 1919. We had a quite considerable export business. If I am not mistaken, our exports in the years between 1933 and 1939 were more than 400,000,000 RM per year. That was primarily high-grade products. We had very close, friendly collaboration with a large number of non-German firms, which was of advantage to both parties and was very valuable to us. Were we to risk all that lightly? You may be sure that none of us, none of the influential men, wanted a war, which would risk all our scientific and technical development. None of my colleagues had any other feeling upon the outbreak of war except that a great misfortune had come upon Germany.

Q. With this rather sad statement I would like to conclude this subject. Now I come to questions on your attitude in labor questions, which we can begin before the recess. Were there within Farben any discussions of plant managers?

A. Yes, the so-called "Plant Manager's Conferences" were held by Main Plant Manager Dr. Schneider regularly, probably from 1938 on.

Q. Did you ever attend any such meetings?

A. Yes, once I was present at the beginning, and later, in 1940 or 1941, I was present twice.

Q. That would be about three times altogether?

A. Yes.

Q. Did you often visit Farben plants?

A. Yes. Frequently.

Q. What was the occasion for your visits to the plant?

A. The occasion for my visits to the plants was discussing some matter of current business regarding contracts or patents, discussion of scientific work, inspection of new plants, or other things which could be of special interest -- mostly purely technical questions.

Q. These technical matters were discussed in the Tea. Did the Tea, on principle, deal with personal questions?

A. In the old by-laws or charter of the Tea there was a rule that the Tea was also to deal with questions of the technical experts. This no doubt meant chemists and engineers. It did so from time to time; statistics were presented -- the number of chemists, the age groups of chemists, the assignment of chemists to various fields (I have offered such a chart for Sparte II), the costs for experiments, and so forth. Tea was not a body, at least in later years, which dealt specifically with personnel questions. That was to a large extent the case in early years. When the Tea was founded and in the Fabrication Commission which preceded the Tea, in 1925 labor questions were discussed a great deal, because a number of the members of the Tea, including myself, were heads of employers' societies, and we often exchanged our experiences at Tea meetings, or rather they were called Fake meetings.

Q. And in later times?

A. In the first years after 1925, Dr. Schwarz, the head of the Social Commission, regularly attended the Tea meetings, but that stopped in about 1934, when Dr. Schwarz, who was unfortunately a Jew, had to emigrate to America. And then, because of the law for preserving national work, the Sokq was no longer able to operate in the same way because the German Labor Front demanded that in all social questions it had to deal with the manager of the concern directly and not with officials. Consequently, in the years after the reorganization, which I undertook in 1938, the Tea did not discuss basic

labor questions -- wages, working hours, social provisions, health, and so forth -- because our experts, the heads of the personnel department, for instance, never attended Tea meetings. Those matters, as far as they were dealt with centrally and not locally, were no doubt discussed in the conferences of plant managers. This did not mean, of course, that certain statistical reports about labor were not presented to the Tea. But as long as there was an over-supply of labor this was more or less of a formality. From the moment when there was a scarcity of labor it became something quite different, and as early as 1938 the Labor Offices assigned people to the plants who were conscripted for labor. Let us say Saxon textile workers not fully occupied could, according to the German legislation in force at the time, be obligated to work in setting up a Buna plant at Huels, or to work in manufacturing. As far as I know, that began in 1938, because I remember very well that in the construction of the Schkopau plant we had to spend quite large sums for barracks for conscripted German workers, and in the Huels plant, which was begun in 1938, we had a comparatively large percentage of Dutch conscripted workers. This was in part due to the position near the Dutch border.

Q. In the course of the development of this legislation, did the plants have the opportunity to get the workers that they wanted themselves?

A. No. When German labor became scarce that stopped completely. One could get workers only through the Labor Offices.

Q. Could one refuse to accept them?

A. I don't know the regulations before the war so well that I could answer your question with a definite yes or no. After the outbreak of war, in my opinion, a refusal was completely impossible, because production was to be considered a government order, and refusing workers and thereby reducing output would doubtlessly fall under certain laws dealing with war economy which had been issued upon the outbreak of the war or shortly thereafter and would have been subject

to the provisions concerning sabotage; the penalty would have been imprisonment or, in extreme cases, even death.

Q. We have set up three books dealing with this question, which are not only for the defense of Dr. ter Meer, but which apply to the defense as a whole; I intend to offer them as soon as we have the books. I shall come back to them, specifically the laws which confirm the statements just made by Dr. ter Meer. I now come to another subject — the employment of foreign workers and prisoners of war in Germany and in Auschwitz. I would be very grateful, Mr. President, if I could deal with this subject as a unit, and therefore, in view of the time, I may ask whether the Tribunal would not be willing to put in the recess now.

THE PRESIDENT: We will now take our recess at this time. It's five minutes early, but we will take the customary length of time and be back five minutes before. The Tribunal will rise.

THE MARSHAL: The Tribunal is again in session.

BY DR. BEHNIGT:

Q. We now turn to the question of the employment of foreign workers in Germany. Did German industry employ foreign workers, Dr. ter Meer?

A. The employment of foreign workers, as I remarked a short while ago, was practiced even before the outbreak of the war to a certain extent. I myself am from the Rhineland; in my father's factory there were always Dutch construction workers working in the construction trade. Near the frontier there that was quite customary. I remind you of the fact that there was an official here from the Reich Ministry of Labor, Stothfang, who, if I am not mistaken, testified that during normal times there were approximately one million foreign workers employed in Germany, the larger part of them probably in agriculture; under the special circumstances of the years 1938 and 1939, when unemployment had been done away with in Germany, a large number were working in industry.

Q. Did Farben also employ foreign workers?

A. Do you mean before 1939?

Q. No, after 1939.

A. Of course, certainly, after 1939.

Q. Who housed these foreign workers?

A. Generally the foreign workers were housed by the firms themselves, the plants.

Q. Did you at any time hear anything about the working and living conditions of these foreign workers in the plants?

A. Certainly, when I visited the plants or when my colleagues came to Frankfurt this was discussed; therefore, I know how the housing generally was.

Q. And how was it?

A. One can say that generally the housing of the foreign

workers was initially in rented halls or inns or such places; that later barracks were constructed; and that still later the majority of the foreign workers and also a part of the so-called conscripted German laborers lived in barracks.

Q. I have to come back once more to what you said previously. You said the plants themselves housed these workers. Who took care of these foreign workers there?

A. The personnel department did that.

Q. Personnel department. Who were the chiefs of these personnel departments? Did you know any of them?

A. Yes, of course I knew quite a number of them, because previously I had participated in meetings of the Social Commission, Soko and I was the head of the Employers' Association for several years, when I had a lot of contact with these gentlemen. One can say that all of our plants had excellent heads of personnel departments. They were mostly men of the old school, so to speak, very serious persons.

Q. Were these people who had devoted long study to social work?

A. Yes, they were either people who had devoted long years to this work, such as Dr. Bortrams, Dr. Schneider's right-hand man, or people like Dr. Eccarius, who had formerly been the Mayor of Heidelberg, people who had long administrative work behind him. Dr. Eccarius was an excellent social worker. Or a man of the type of Dr. Weiss, in Ludwigshafen, who had specialized in this field because he knew all pertinent questions and all the laws concerning these questions. And the officials in Hoechst and Leverkusen were also of the same type -- men of the old school -- very excellent people.

Q. Did you ever find out anything about the attitude of the leading technical men of the plants toward the housing of foreign workers and so on?

A. Yes, I do know about that. As I stated previously, these things were frequently discussed. I know of several cases in which the

leading men from the plants interested themselves in the care of the foreign workers in their plants.

Q. Did you ever hear that the foreign workers were treated worse than the German workers?

A. No, I never heard that. I must of course make a distinction as to housing. The normal German worker lived in his own residence, with his family, while the foreign worker had to live away from his family, in a barracks. That was not possible in any other way during wartime. But even German workers who had been conscripted for labor had to live in barracks.

Q. Were the barracks in which the Germans lived of the same type as those which housed the foreign workers?

A. I cannot say under oath whether the barracks were always the same, a uniform type of barracks in Germany which was used quite generally.

Q. Do you know anything about the sum spent by Farben for the construction of barracks?

A. Yes, I do know that very well. In 1943, before I went to Italy, Dr. Struss and Dr. Jachne in a Tea meeting mentioned amounts that had been spent up to that time for barracks or that would be spent on so-called appropriated credits. The sums mentioned were between the order of magnitude of 100 or 120 million Reichsmarks. I remember that very well.

Q. Did you ever hear that after the American Army moved into Germany, an American agency investigated the housing and treatment of foreign workers by Farben?

A. Yes, In the Kramsberg Camp, in the summer of 1945 -- it may have been the beginning of 1946 -- I was told by a man that when the Bitterfeld Plant was occupied -- by American troops, I believe -- the feeling was not very friendly, until the commander of this particular body of troops inspected the housing of the foreign workers in the

camps adjacent to the camp. The next day, so I was told, he changed his sentiment and he shook hands with the official at the plant and was quite grateful in recognizing that not the least objection could be made to the housing of foreign workers at Bitterfeld. Similar events took place, according to the former plant manager, in the plant at Gendorf. Dr. Wittmar told me this personally, in the Kramsberg camp.

Q. Do you know anything about how workers came from France to Germany?

A. Yes, From 1941 onwards, I was in France repeatedly both for Francolor and for Buna negotiations, and I saw in France for myself how French workers were recruited to come to Germany voluntarily so that a proportion of two to one or three to one of French prisoners of war might be released. This so-called "releve" was supported by strong propaganda in the press by posters, etc., and I myself saw trains taking such workers from France to Germany. The trains were decorated with flags and garlands and were cheered by the French population because they could obtain freedom and liberation for older French prisoners of war in Germany ---fathers of families and so on.

Q. You mentioned Francolor just now. Do you know whether workers came to Germany from Francolor and perhaps Rhone-Poulenc?

A. Yes, I do.

Q. Can you give me any details?

A. I cannot give you the year, but I would assume that it was perhaps the end of 1941 or more likely at the beginning of 1942, when a certain shifting was undertaken in France, according to which every industrial enterprise had to deliver up a certain number of workers for Germany. This regulation was based upon agreements between the Vichy and German governments, and so Francolor, and I believe also Rhone-Poulenc, had to yield a certain number of employees to us. The heads of the firms of course were anxious to have these workers assigned to places of work in Germany where they would be well treated and could

continue in their habitual work, chemical work. You cannot use a chemical worker for big construction work and so on. Therefore the gentlemen from Francolor and Rhone-Poulenc got in touch with our people and arranged that these workers should be given priority in our works. For instance, people from Francolor came to Ludwigshafen.

Q. This was done on a voluntary basis?

A. I believe that these people were made available on the basis of a French legal regulation, based upon an agreement between the Vichy and German Governments. Therefore I cannot count it as a one hundred per cent voluntary basis, but I assume that those people who were assigned to these plants in Germany on the basis of the quota did not consider themselves to have been recruited by force. They probably considered themselves voluntary workers; but I cannot prove that for every individual case, because I had nothing to do with the events personally, but I believe those people made available to us by Francolor in this way liked to come to Ludwigshafen -- as far as they went there; they also went to other plants.

Q. I wanted to contrast this with later developments; we all know that from this voluntary basis they later went over to a compulsory basis. Everyone who lived in Germany knew that. We don't want to tell any stories here. You know it too -- that it was later compulsory.

A. Yes.

Q. When this compulsion prevailed then it was probably mutual; that is to say, these workers had to come, and the firms had to accept these workers.

A. The firms -- after the war began, at least -- always had to accept those people whom the labor office offered to them. If a firm had not accepted these people, then it was no longer supplied with workers by the labor office; and if a firm rejected certain

people and thereby hampered war production, or hampered the new construction, then this particular employer violated laws of war which violations were subject to severe penalty.

Q. Did you ever participate in any conferences of the authorities dealing with the employment of foreign workers?

A. Yes, when I was in Italy I

Q. Excuse me for interrupting you. I do not want to hear about the Italian phase. I mean the time before 15 September 1943, when you went to Italy -- before that time.

Q You just said that you came to Italy in September 1943. How long did you stay there?

A Until I was imprisoned in 1945.

Q With whom did you stay in Italy?

A I was in the office of the Plenipotentiary General of the Ministry for Armaments and War Production, Minister Speer, in Italy, that is, the Plenipotentiary General in Italy for the Ministry, that was General Layers.

Q And what was your function there?

A It was my task, together with two other colleagues from the Chemical industry, to reactivate the chemical industry in Italy, to care for production, and to direct the sale of the products.

Q Were you the chairman of a committee for the Italian chemical industry?

A This institution was founded in the summer of 1944, approximately. Before that time there was in Italy an agent of the German Plenipotentiary General for each industry: chemical industry, steel industry, textile industry, etc. Most of these agents — I too — had a number of Italian industrialists appointed to their staffs, from amongst whom they formed a committee and with whom they worked and dealt with the questions concerned. This system was changed in September 1944 because the newly appointed Economic Minister Turgi desired to coordinate this German plenipotentiary with an Italian plenipotentiary; at that time German Italian commissions or committees were formed, and two chairmen of equal rights were put at their heads — the German and the Italian chairman. Thus I was the German chairman in the Chemical Committee.

DR. BENDT: Your Honors, what Dr. ter Meer did for Italian industry in this capacity I would like to tell you about later, when dealing with Count II of the indictment. Today I am merely interested in proving how Dr. ter Meer conducted himself in the face of the attempts to obtain Italian laborers. Since it is not easy to laud one's self or one's own

behavior, I do not want to ask Dr. ter Meer about this, but shall ask you to look at Book I of my books, page 104, where you will find an affidavit of an Italian, Elio Bracco, describing how Dr. ter Meer acted towards the workers. May I refer in particular to page 106, where it is stated that Dr. ter Meer intervened for Italian male and female workers who were threatened with being deported to Germany. The order had hardly been received when he advised his Italian friends to urge Mussolini to tell the Fuehrer that after all protected industries were involved, which would be ruined in Italy as a result of the aforementioned deportations. I ask that this affidavit of Mr. Bracco, which is Document ter Meer No. 36, be accepted as Exhibit No. 234. May I mention that on page 106 this Italian also states that Dr. ter Meer was often kept under surveillance by the SD in Milan.

From the affidavit of Carlo Ferrario, ter Meer Document No. 37, which I should like to offer as Exhibit No. 235, I shall read only the penultimate paragraph, which reads: "I, Ferrario, know that Dr. ter Meer took it upon himself to prevent the deportation of a number of Italian workers to Germany by declaring these factories protected plants, 'S' plants." Finally, there is an affidavit of Anna Weber, to be found on page 117 of this book. This is Document No. 39, Exhibit No. 236. I merely want to emphasize in this connection that it is stated explicitly that Dr. ter Meer was fundamentally opposed to the recruitment of Italian chemical workers and that, when he was to make an exception at one time, when he received orders from his superior to make available certain workers to a certain firm, these workers were warned in time so that they could escape into the mountains. Dr. ter Meer's further activity in Italy is going to be dealt with by me when I deal with Count II of the indictment, Spoliation.

Q I continue now by asking you, Dr. ter Meer, whether during the war Farben also employed prisoners of war in their enterprises.

A Yes.

Q What types of work were these prisoners of war used for in the Farben plants?

A I can answer this question only to the extent to which I have personal knowledge. I was not a plant manager and therefore only learned about it through visits and conferences. But I can say that during the First World War there were one or two hundred French prisoners of war in my father's factory. Since I had lived in France for a few years and spoke French, I took care of these people considerably. From that time on, I knew what the regulations about the employment of prisoners of war were. I didn't read the law itself, but I was probably instructed by the military authorities, and since something experienced in youth always remains freshest in one's memory in later years, I frequently concerned myself with the question of the employment of these prisoners of war; and I can say that in no single case did I receive any information which might lead one to conclude that their employment violated the Hague or Geneva Convention -- I don't know which. As far as I was informed, this was handled even better during this war than it was in the First World War, because the prisoners of war in a plant were supervised by the so-called Stalag officers -- that is, the officers of the particular prisoner-of-war camp from which these men came, and because their occupation was controlled very strictly.

Q Did you know that concentration-camp inmates were employed in Farben plants?

A Yes, I knew that.

Q Can you give me the names of the plants in which concentration camp inmates were employed, from your own knowledge?

A From my own experience, I know that when the Auschwitz Plant was constructed and in Gendorf, concentration-camp inmates were used; but I believe there were one or two plants in addition.

Q That brings me to the question of what brought the construction of the Buna Plant in Auschwitz about; but before I ask that question I

shall ask another one. What caused the construction of the fourth Buna plant, quite apart from its location?

A In 1939, after the war had broken out, conferences began immediately with us about an extension of Buna production since now Germany was virtually cut off from natural rubber. At that time, the project was still under consideration of building the Fuerstenberg Plant. Since Dr. Ambros and I had already opposed the construction of this plant for two years because it was unsuitably situated from the economic point of view, we were able to convince the authorities after the war broke out that it would be much more sensible and also more economical as far as the consumption of iron was concerned, if the extension of the two existing plants, Schkopau and Huels, could be increased and we forewent new construction at Fuerstenberg; and that was what was done. But that wasn't enough for the Reich. In 1940, the Reich wanted to build another Buna factory.

Q That would have been the third one?

A Yes. And since we had eliminated the construction site Fuerstenberg from our consideration in the meantime, we searched for a new location -- a search conducted by Dr. Ambros and myself, jointly, in the winter of 1939 and 1940, by investigating the banks of the Oder. We agreed on a site near Breslau, at Radwitz, a site that was not very close to coal sources but since it was near Breslau, and near the river where there were machine plants and other workshops that could be of assistance to us, it was on the whole an acceptable construction site. Construction work in Radwitz near Breslau began, as far as I remember, in the first months of the year 1940, after the winter was over, and it was conducted over a period of some months, but in the summer of 1940, after the large military successes in the west, it was suddenly stopped by the Berlin authorities because Berlin probably expected a speedy end of the war. The work was then stopped, but a few months thereafter -- I would think it was in October -- the picture had changed again, and

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apparently a longer war was now expected, and therefore Rum production was to be expanded. At that time we fought against the continuation of the plant at Radwitz, because we did not like to have it in the eastern part of Germany. At that time, we instituted a new process, the so-called rapid process, in Ludwigshaven that was ready for production at the time, and therefore we could make it quite clear to the authorities that this third plant should be built between Ludwigshaven and Oppau in a clear area on the Rhine, to exploit the advantages of being near the two plants which could furnish us with certain intermediate products. The Reich finally agreed to this suggestion.

We had expected that this would completely supersede the suggestion of completing the plant in the East, but unfortunately this hope was only of short duration, because before the negotiations about the construction of the Ludwigshafen plant could be concluded, we were given a new order to build a fourth plant in the East. Although we were still of the opinion that it would have been better, that it would have cost less iron and much less money, to take care of this increase in production in Huels instead of building a fourth plant in the east. However we were not permitted to do this. Therefore we searched for a new construction site in the East, and we finally chose a new site directly near a coal source - as opposed to Fuerstenberg and Radwitz, which did not have this coal - and this place was Auschwitz.

Q May I ask that the Tribunal be kind enough to look at Book 72, page 1. There you will find Exhibit 1404 (1408-Reviewer). This is an express letter of the Reich Minister of Economics of 8 November 1940. The signature is "von Hanneken." When one reads the contents, I believe Dr. ter Meer's statement is corroborated. This letter was sent to Farben, under the classification of Secret - Attention, Dr. ter Meer; it says "At the conference which took place in my Ministry (that is the German Ministry of Economics), on 2 November 1940 the expansion of the Buna plants was fixed at 150,000 tons. This expansion was to take place in two plants - namely, first, in the Ludwigshafen Plant, with an output capacity of 25,000 tons per year. (This is the third Buna plant of which Dr. ter Meer has just now spoken.) Secondly, in an Eastern plant to be newly erected in Silesia, likewise with an output capacity of 25,000 tons annually." This express letter confirms Dr. ter Meer's description. One can see from it that Farben was ordered to build a third plant at Ludwigshafen and a fourth plant in the East. Dr. ter Meer, you said that once you had received this order you had to search for a site, and that you had settled on Auschwitz, would you please tell us, first of all, why did you pick Auschwitz? What were the reasons for the choice of this particular location?

A We began once more to investigate a number of locations as to their

suitability for the construction of a Buna plant. For a long time this place Radwitz near Breslau was still under consideration. Finally, as far as I remember, Mineraloelbaugesellschaft, the (Mineral Oil Construction Co.), for the first time directed our attention to Auschwitz. The industrial prerequisites for the construction of a large chemical plant were ideal there, better than anywhere else in Upper Silesia. We had a big level terrain. We had a location near a river which was increased by two tributaries just above and received so much water that even in the summer it had sufficient water, because in a big chemical factory and especially in a Buna factory you need a lot of water, and good water. The river, of course, also furnished the water for power and took off the waste. We were on a railway line. This was probably the direct line from Vienna to Cracow. There was a scheme to make the Vistula navigable at this point at a later time. Previously, in the interests of our Heidebrech plant in Upper Silesia, we had already made an agreement about the acquisition of an interest in Fuerstengrube, which was not far from Auschwitz, and in the immediate vicinity of Auschwitz there was the Janina mine, visible from the Auschwitz terrain, at a very short distance. Near Auschwitz we also had good calcium. The salt mines in the Government General of Bielicka were quite near. And we were able to get electric current from Pless or elsewhere. There were really so many of our industrial prerequisites that one has to admit that this location, Auschwitz, was ideal industrially.

Q In order to operate a plant one doesn't need merely coal, water, and calcium, but also workers. How was the labor question to be solved for this fourth Buna plant?

A The question of labor was unfavorable in Silesia generally. The big industrial area between Gleiwitz and Kattowitz had been depleted of workers because of new construction or displacement of factories from the West. In Auschwitz and vicinity there were considerable inhabitants, but for the most part these were agricultural workers, who would not be very much use for construction or for the factory afterwards. This point

was less favorable in Auschwitz, and as a result, during the first meetings it was always proposed that German workers should be settled there in large numbers.

Q: How was the further course of events? Since the city of Auschwitz had been eliminated, what authority determined that the fourth Buna plant was to be constructed at Auschwitz?

A: This decision of the authorities to choose Auschwitz for the fourth Buna plant is shown by Document...

Q: Excuse me for interrupting. Answer this question without any regard to documents.

A: This resolution was arrived at at a meeting on 6 February in Berlin-- at a conference in the Reich Office for Economic Development, in which Dr. Ambros and I and Dr. Krauch participated. I myself took down notes of this conference, and during this meeting we informed Mr. Krauch about the various favorable industrial prerequisites at Auschwitz, with the result that ideas that had been held before about the construction of a fourth Buna plant -- for instance, we had had an idea to build such a plant in Norway -- were now given up, and Mr. Krauch chose Auschwitz as the construction site for the fourth Buna plant. As far as I remember, the question of procurement of labor was also discussed, the necessity of settling German workers there.

Q: What was done by Krauch after this meeting? Where did you go?

A: On the same day a meeting took place in the Reich Ministry of Economics, where we discussed with representatives of the Ministry of Economics-- I believe it was Oberregierungsrat Roemer -- the question of financing this fourth Buna plant from the point of view that the construction of this plant in the East would be much more expensive than the plan that we had originally suggested, extending our capacities in Huel. It's quite clear that extending the production capacity of an existing plant is always cheaper than the construction of a large enterprise on a terrain that has never been used for industrial installation. These additional costs were estimated at the time to be approximately 60,000,000 Reichmarks,

which included, as far as I remember, an amount of 5,000,000 for purposes of settlement to German workers. We wanted to know from the Reich Ministry of Economics who was going to pay for this increased cost of 60,000,000 marks; we discussed this with Oberregierungsrat Roemer. At a later time the necessary suggestions were made and agreements were reached.

Q Your Honors, may I ask that you look at Exhibit 1414 in Book 72, This is to be found on page 27 of the English and page 47 of the German. There we find a file note about a conference with Professor Krauch on 6 February 1941. "Present: Krauch, Ambros, ter Meer. Subject — Buna, IV." That means the fourth Buna plant of Farben. At the end you can see the note, "Frankfurt on Main, 10 February 1941, Dr. F. ter Meer." This file note was distributed to Dr. Ambros, Dr. Struss, and Director Dencker.

Dr. Ambros was the man with whom Dr. ter Meer went to Krauch. Struss was the director of the Tea. Dehcker was one of the men in the Administration.

Looking at the second paragraph from the end, we read?

"Professor Krauch then stated that the Reich Office for Economic Development would not now adopt the Norway project, as a result of the examinations. That is what Dr. Ambros said a little while ago. Auschwitz is decided upon as the site for the fourth Buna Plant."

This memorandum, which Dr. ter Meer wrote four days after the conference, states explicitly that Professor Krauch decided upon Auschwitz as the site for the fourth Buna Plant, and it can further be seen from this file note that Professor Krauch did not decide upon this construction site in his capacity as a Farben official, but in his capacity as the representative of the Reich Office for Economic Development, as can be seen in this document, it will be necessary to settle German workers in homes at Auschwitz.

Now may I ask Your Honors to look at Exhibit No. 112, on page 23 of the English, Page 40 in the German. This again is a file note of Dr. ter Meer about a conference at the Reich Ministry of Economics. On page 43 of the German, - I am sorry I cannot give the exact spot in the English, -- this file note states explicitly, that at least 5 million would have to be added to the total cost, since living space for the employees would have to be erected in a much higher extent at Auschwitz than was necessary in other plants. It is page 24 of the English.

These two file notes were written by Dr. ter Meer on 10 February, 1941, at a time when he could not know that he would have to justify himself before a high American Tribunal for the construction of this Buna plant. These file notes, which are not contested by the Prosecution, confirm quite unequivocally what Dr. ter Meer has said about the foundation of the fourth Buna plant.

I could never have received as a Defense counsel these two file

notes, and, I am very grateful to the Prosecution for them. I consider it important to note that there is not a single word in these two file notes about the employment of concentration-camp inmates, which would certainly have been the case if ...

I beg your pardon, Mr. President. I realize that this is argument.

I must now put something to my client.

In Document Book 3 we offer ter Meer Document No. 75, to be found on pages 78. This is an affidavit which was taken by Mr. Sprecher on 30 April, 1947, but which the Prosecution did not offer; therefore I have to offer it now as Exhibit 237.

This affidavit contains statements of Dr. ter Meer about many questions on which I examined him today.

You gave a description here, Dr. ter Meer, which does not quite agree in one point with what that you have said here. May I ask you to take this affidavit up? Please look at page 13 of this affidavit.

What page is that in the English?

THE PRESIDENT: Perhaps you can give us the paragraph number, Doctor.

DR. BERNDT: It is paragraph No. 23, on page 89 of the English.

Q. You say there: "The existence of the Auschwitz concentration camp as a source of labor may have contributed to the decision in favor of Auschwitz. I myself can say, however, the satisfactory industrial conditions were by far of more importance than the existence of the concentration camp".

Does that not show a certain conflict with what you stated previously?

A. It does conflict somewhat, but there is a reason. You failed to read the preceding lines, where I state quite positively that as far as I remember our decision to build a plant in Auschwitz was not based on the fact that there was a concentration camp there.

Q. Would you please read these sentences?

A. Yes. The sentence reads:

I first spoke about the industrial prerequisites, coal, electricity, etc., and then I say:

"In my opinion the existence of the concentration camp Auschwitz was only coincidence. By that, I mean that our decision to erect a Buna plant at Auschwitz was not based on the fact that there was a concentration camp there."

This text is a translation of the original, because the affidavit was rendered in the English language, and there it is stated:

"In my opinion the existence of the Auschwitz concentration camp was incidental. By 'incidental' I mean that I recall that our decision to build a plant at Auschwitz was not based on the fact that the concentration camp existed there."

This report, as is true in the case of most of these affidavits, is based, upon an interrogation of my person, and in this interrogation I always said from the beginning to end that the Auschwitz plant was not located at Auschwitz because of the concentration camp.

During this interrogation the question was raised, however, whether up to the day when the Berlin authorities decided upon Auschwitz, anything had been known about the existence of an Auschwitz concentration camp, and I did not know that. I did not know, for instance, whether anyone in the Reich Office knew of the existence of the concentration camp beforehand or not, and whether they were interested in Auschwitz for that reason, and therefore, I continue in my report, "there were meetings in Berlin about the erection of this new plant, but as far as I can remember, I did not participate in these conferences. I may have been present at one such conference, but I don't remember."

"The existence of the concentration camp Auschwitz as a supply of labor may have contributed to our decision in favor of Auschwitz. I do not mean myself but other persons who may have been influenced by this, because I did not know whether perhaps Herr Eckell or somebody else in

the Reich Office might have known something about the concentration camp beforehand.

"I still insist -- because I know it is a fact -- that up to 6 February I at least was not influenced by the knowledge of the existence of the concentration camp, since I myself reported about the acquisition of this site both to Mr. Krauch and to the Reich Minister of Economics, and I would not have forgotten to mention it if the procurement of labor from the concentration camp had played any part in our consideration at the time, on 6 February."

Q. The Prosecution has submitted a further exhibit from which it wanted to infer that you had knowledge of the concentration camp at Auschwitz. This is Exhibit 1422, also to be found in Book 72 of the English and page 113 of the German.

This is a letter from the Plenipotentiary for the Four-Year Plan, the Plenipotentiary General for Special Questions of Chemical Production, of 4 March, 1941. The letter is addressed to Farben, attention Mr. Ambros, and copies were distributed to others, including Dr. ter Meer and Director Bistefisch. This letter, which is signed by a Mr. Wick, reads:

"At my suggestion (that is, the suggestion of the Plenipotentiary General for Chemical Production) and upon instructions of the Reich Marshal, the Reichsfuehrer-SS, under date of 26 February of this year, has decreed the following:

"Jews in Auschwitz are to be evacuated. Second, Polish residents in the Auschwitz area who might be used for construction work at the Buna plant must under no circumstances be expelled; and third, the Inspector of Concentration Camps has been ordered immediately to get in touch with the construction manager of the Buna plant on the spot and to further the construction project in every possible way with the aid of the concentration-camp inmates."

Q What do you have to say, Dr. ter Meer, to this exhibit of the Prosecution?

A Undoubtedly I received this letter but it does not contradict my statement that as far as I remember and according to the documents which we have here, the decision in favor of Auschwitz taken at the meeting of 6 February in Berlin, four weeks previously, was based not on the position of the concentration camp but on the technical facilities there.

Q I believe that I can leave this part of the indictment now, as far as it affects my client, Dr. ter Meer; the further reasons for the choice of the construction site at Auschwitz I may leave to my colleague, Dr. Hoffmann.

Dr. ter Meer, were you ever in Auschwitz?

A I was in Auschwitz twice.

Q When?

A I found out subsequently that the periods of time mentioned in the long affidavit, the affidavit about labor allocation, etc., are not quite correct. The first one is correct. I was there once in the autumn, October of 1941. I was there not in the Spring or early summer of 1943 but we found out subsequently that it was November 1942.

Q This remark is to be found under paragraph 24, third line of this last affidavit mentioned. This is in book 3. It says "in the spring or early summer of 1943". This statement is incorrect, as Dr. ter Meer has just stated.

Please tell me why you went to Auschwitz for the first time and what you saw there?

A The first trip to Auschwitz undoubtedly served the purpose of acquainting myself with the site of the plant with the industrial conditions there. This visit was made in October 1941, hardly six months after the work was begun in Auschwitz in a terrain that had predominantly served agricultural purposes previously. Not much could be seen there. Undoubtedly I went to Auschwitz in order to familiarize

myself at first hand with the industrial location, the first plan for the building of the factory, and details about the arrangements of the buildings, transportation possibilities, sewage systems, and so on. That was done during this first visit. We arrived in Auschwitz after lunch. We ate on the way. There was hardly anybody there from Farben at the time. In a house between the city and the plant there was a construction office, a temporarily office. One of the engineers gave us an explicit explanation of what I told you about a while ago. Subsequently we walked over the terrain; I still remember it very well. Not much had been done. There were a number of outside contracting firms working there building roads, laying tracks from the railroad connection, digging foundations for the new houses; some barracks had been constructed and some foundations had been begun. These construction firms were doing this work. On this occasion I also saw workers from the concentration camps there, since a fairly large number of them were already employed at that time.

Q Did you notice anything in particular in connection with these workers from the concentration camps?

A I could have noticed nothing, because I don't remember anything about them. The only thing that I remember well today is that people who worked in columns for instance unloading gravel in order to lay the tracks -- worked rather slowly. I did not notice anything else when I visited this plant site.

Q During this first visit to Auschwitz, did you hear anything about mistreatment of the people working at the Farben construction site? By that I mean did you hear anything at all, perhaps by accident?

A I neither heard nor saw anything.

Q Would you please tell me when you were in Auschwitz for the second time?

A As I said before, it was in November 1942.

Q Why did you undertake this second visit?

A Our investments in Auschwitz were considerable. That part of the plant later devoted to the manufacture of Buna belonged to Sparte II, and so after approximately one year I went to Auschwitz a second time to see what progress had been made in the meantime in constructing the plant. In this second visit I had a special purpose in mind however: I wanted to get acquainted with Herr Duerfeld, who had in the meantime been appointed construction manager.

Q You didn't know him before?

A No. I have to explain this "no". I may have met him somewhere but I did not know him well. Herr Duerrfeld was an engineer at the Luna plant. When the Poelitz gasoline plant was expanded earlier he had proven himself as an excellent chief engineer in a leading position and had been made available for the Auschwitz plant. I wanted to get acquainted with this man, whom Mr. Ambros and his colleagues had chosen to supervise the large construction job in Auschwitz.

Q And during your second visit to Auschwitz you met him? He was there?

A Yes.

Q And what impression did he make on you?

A During my second visit to Auschwitz I concerned myself particularly with Mr. Duerrfeld. We inspected the plant site together, and he probably explained the plans, etc., and we sat together over a meal, and I had a very excellent impression of Mr. Duerrfeld personally.

During my second visit — and I have to add this here because it throws light on Mr. Duerrfeld's activity I had gained the impression that this was an extremely modern construction site. Wherever one could replace manual labor by machines this had been done. There were a large number of steamshovels and other mechanical facilities. There was a network extensive of narrow-gauge railroads over this entire field, so that the construction site offered the picture of a model modern installation.

Mr. Duerrfeld also impressed me personally favorably, since I had

the feeling that he went about his work with personal enthusiasm; for it was a big and interesting job for a chief engineer of good caliber to be able to erect such a beautiful modern plant on such a large level plain. This joy in his task I was able to observe in the person of Dr. Duerrfeld, which I consider a very favorable factor in one who undertakes such a large responsibility.

Q What did you see in the way of construction in Auschwitz?

A During the time between my first and second visits it had progressed rapidly. A large number of buildings had been erected that summer. I won't say that they were completely finished but they had been raised well above the ground. The big boiler house was nearly completed. We went up to the top because it was the highest building and gave us a good view of the construction work that had been done in the meantime. Undoubtedly much work had been done during the course of this one year.

DR. BERNDT: Mr. President, the next questions again open new subject, I do not know whether I should begin with these questions, in view of the time.

THE PRESIDENT: We are reluctant to lose any time, but it's hardly fair to ask you to start on a new subject at this late hour. I am wondering if there are any announcements to be made by the Prosecution or the defense that can be disposed of this afternoon and save our time in the morning. Do you have anything, Dr. Berndt?

DR. BERNDT: I have nothing to say, Mr. President. I can say that I believe that I shall have finished Dr. Ter Meer's examination tomorrow in a good half-hour.

MR. SPRECHER: Mr. President, I was wondering if we might ask Dr. Berndt and other defense counsel approximately how long they think the following examination will take; this has a little to do with some document processing, and it would be of assistance to know generally speaking.

THE PRESIDENT: Well, Dr. Berndt has spoken for himself: he says he needs perhaps half an hour in the morning to conclude. If I may ask,

and this is not a final commitment, but how many of counsel for the defense expect to interrogate Mr. ter Meer tomorrow, besides Dr. Berndt? May I see your hands?

DR. BERNDT: As far as I have heard, Mr. President, there will be four or five.

THE PRESIDENT: Yes. Well, we will not take the time to ask each one of these gentlemen to make a commitment as to time, but I wonder if any one of you has surveyed the situation well enough to be able to offer a rough estimate as to how long the four or five examinations will probably consume tomorrow, so we will have some idea about it. Can anybody offer any information? Dr. von Metzler, do you have any idea about how long you and your associates might consume?

DR. VON METZLER: According to what I have heard, Mr. President, the additional examination will take perhaps one and a half hours to two hours.

THE PRESIDENT: Two hours. Then perhaps two and a half hours will complete the examination of this defendant. You understand, gentlemen, we are not trying to bind you down to the hour or anything like that. We are just trying to get a rough estimate so we will know where we are heading tomorrow. How much time does the Prosecution think it will probably need for cross examination?

MR. SPRECHER: The equivalent of one full day, approximately.

THE PRESIDENT: The Tribunal is in recess until 9:30 tomorrow morning.

(Court adjourned until 0930, February 17 1948.)

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Official Transcript of Military Tribunal VI, Case VI,
In the matter of the United States of America, against
Karl Krauch, et al, defendants, sitting at Nurnberg,
Germany, on February 17, 1948, 0930, Justice Shake,
presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God save the United
States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, will you ascertain if all of the
defendants are present in the Courtroom?

THE MARSHAL: May it please your Honor, all of the defendants
are present in the Courtroom except Krauch, Hoefliger and Lautenschlaeger.

THE PRESIDENT: Those defendants have been excused for the day.
Are there any preliminary announcements from counsel first from
the Defense?

Anything from the Prosecution?

The Tribunal has two observations to make. One I direct to Dr.
Berndt, if he is not through with the cross-examination, and also to the
defendant, ter Meer. Some of the reporters have complained that when you
gentlemen are carrying on your interrogations and answers in German, that
you have been going a little too rapidly for them. They have some
difficulty in keeping up. They have got Dr. ter Meer when he spoke
English, but when you were speaking your German they thought you were
going a little too much for them, so please bear that in mind.

Are you through, Dr. Berndt, with your examination? Now before
you start, I should like to say this. Of course, counsel for the
defendants are entitled, within their right, in supplementing the long
examination to which this defendant has been subjected, with reference
to anything that is pertinent and proper. I would ask you however, don't
fall into the common error that is very frequently committed, of going
over the same territory that the defendant has already covered. Please,
insofar as you can, try to limit yourselves to matters that have not been

already developed in the course of the examination.

If you are ready, Dr. Berndt, you may proceed to conclude your examination this morning - you or your co-counsel.

Please Dr. Berndt, go a little bit more slowly in your questioning than you did yesterday. It was too much of a burden on the reporting staff.

DIRECT EXAMINATION (Continued)

DR. FRITZ TER MEER

BY DR. BERNDT:

Q. At the end of yesterday's session, we talked about your two visits in the factory site of Auschwitz. Concerning your second visit you described to us what you had seen on this factory site in regard to the progress of the work. I should like to hear from you today, what you saw there in regard to the people and especially the workers on this construction site.

A. During my second visit in the autumn of 1942, a considerable number of the most varied of categories of workers were employed on this terrain. There were German workers, foreign workers, and also concentration camp inmates, recognizable from their striped clothing. I can only repeat what I said yesterday, that the entire construction site made the impression of a very modern and progressively installed place, and during the inspection that lasted much over an hour, I saw nothing that was in any way conspicuous.

Q. Can you tell me with what type of work the inmates were occupied?

A. I believe that cannot be described in a few words; with any detail, I guess, only Mr. Durrfeld could do so, because he was the Chief Engineer. During my second visit in Auschwitz as I described it, a large number of buildings had been almost completed. The machine and boiler houses, and the installment of the field boxes had been started. During the first visit, they were leveling the ground, laying tracks, etc., but during the second visit there were other contractor firms, electrical,

contractors, and also German Farben engineers already working with their men. Therefore, one cannot say that the concentration camp inmates, for instance, were engaged in any special work. They did all kinds of things, and they worked for various contractor firms.

Q. I merely wanted to know what type of work you saw the concentration camp inmates doing during your second visit. What did you see these people do -- or don't you know any more?

A. I cannot answer that in detail. They did all sorts of things, building installments, transport work, - I could not describe it in detail.

Q. Did you notice that these workers from the concentration camp were driven to work?

A. No, I didn't notice anything like that.

Q. Did you notice that these people were employed in especially difficult places of work?

A. No.

Q. Do you still today have any impression about the physical conditions of these concentration camp inmates?

A. At any rate I had no impression at the time that the workers coming from the concentration camp Auschwitz, were in any unfavorable physical conditions because if that had been the case, it would have been discussed at the time, and it was not so discussed.

Q. Did you see concentration camp inmates being beaten there?

A. No.

Q. Did you hear in this camp at the time that concentration camp inmates were beaten?

A. No, certainly not, because that would have been discussed immediately. I would never have tolerated that in any plant for which Farben was responsible, workers were being mistreated. That is quite impossible.

Q. Did you see any concentration camp inmates or any other worker

collapse during this work?

A. No.

Q. Did you see a worker that had collapsed anywhere, and who was lying on the ground?

A. No, certainly not.

DR. BERNDT: Then I would have no further questions about your stay or visit in the factory at Auschwitz. And now I turn to another subject matter. During the time of one of your two visits, were you in the concentration camp of Auschwitz?

A. Yes, during my first visit in October, 1941, I was in the concentration camp Auschwitz itself.

Q. Can you tell me what brought your visit about in this concentration camp?

A. As far as I remember, Dr. Ambros intended to discuss something with the Chief of the concentration camp, who were engaged in construction work on the site. I made a statement about this subject in my affidavit given to Mr. Sprecher, but I have now heard from Dr. Ambros that the reason that I stated, in a change about the transportation to and from of the inmates that were still being housed in the concentration camp, who had to come to the construction site every day and back, -- that that reason was not the cause of why he talked to him, because at that time the transportation question had already been solved by railroad transportation.

In my statement I made some observations about the impending wintertime and as I have heard from the gentlemen also, the winter months brought a stoppage in the work of the inmates, and it may be that I confused these two things. At any rate, some reason existed why something had to be discussed in the concentration camp, and Dr. Ambros had to do this; since I was in the automobile with him, because he wanted to go to the railroad to Gleiwitz, I came along into the concentration camp with him.

Q Would you please describe to me briefly what you saw in this camp? First, the outside appearance, and then the people that you saw there?

A Yes. In the affidavit mentioned, I rendered a short description about this and I can elaborate on this a little. It was in the afternoon, probably around 5 o'clock, because it was getting dark shortly thereafter, when we arrived in the concentration camp. The Chief of the Camp, Kommandant Hoess, was engaged in a conference of some sort and could not concern himself with us. He therefore called one of his younger assistants, and commissioned him to lead us all through the concentration camp and to show us everything inside of the camp. This man, probably an SS man of high rank, was a very pleasant and talkative person, and led us around the concentration camp for over an hour, and informed us about the purposes and intentions that were being pursued by the employment of these concentration camp inmates.

We were shown a large terrain adjacent to the concentration camp which was to be operated as a model farm; all sorts of experiments, with cultivations were to be made. Grain experiments were discussed at the time, and also experiments with the well-known Russian rubber plant, Koksagys, was to be discussed and undertaken. We did not visit the fields because as I said, it was growing dark, but the SS man led us through the plant and stables. They were roomy stables, well proportioned. There were some farm animals in the stables, and Herr Hoess told us later that he wanted to make some breeding experiments on horses and farm animals, since he, as the son of a farmer, had some experience in this work.

The workshops in the concentration camp were surprisingly large. We saw a large iron working workshop, with forges, drills, lathes and other installations and a wood-working shop, well equipped with machines. That interested us especially because we intended at the time to give certain orders to the concentration camp during the

winter, for the next year, probably doors and window frames were intended. These workshops and stables were well equipped and roomy and, I must say, in very good condition. Subsequently we looked at the housing of the concentration camp inmates and the SS man led us into several barracks, the kitchen, the dining rooms, the day rooms, and he explained to us the system of camp discipline which was exercised in every barracks by so-called "Capo", and these barracks also were in a surprisingly good condition that were very clean; the beds were clean. Of course they were one over the other, and the inmates we saw there, were, as far as I can recall, in a good physical condition.

The only unfavorable factor that I remember from this visit, and I also mention that in my affidavit, and that was the coming in of a group of, I guess, between 100 and 200 Russian prisoners of war. They marched into the camp, and we were just there when they came in. The SS man accompanying us, told us that they were being sent there; that the SS man did not want them at all, and it is true that these Russian prisoners of war looked badly. One said that they had serious deprivations behind them; they were emaciated and their uniforms were tattered. They also bore two dead comrades on their shoulders with them, and we were told that these two had tried to escape in the morning, and that they had been shot.

This is the first time that I got in touch with something that had to do with the war, and that made a deep impression on me, and that is why I remember it so well. I emphasized that this was the only unfavorable factor I saw in the camp, and that had really nothing to do with the normal camp leadership.

Q Did you see a factory in this camp?

A No.

Q How is it then that you speak in your affidavit about a factory inside of the camp? Please look at your document No. 75. I refer to page 14, the last line, second last line. Would you please

read what is stated there? It says: "He desired to have these people employed in the factory inside of the camp."

A This is an error in the translation. This affidavit was given by me in the English language.

Q Would you please explain this mistake then?

A It is stated in the English text, and that is the original:

"Hoess was in no way favorable to sending concentration camp inmates to the Auschwitz works. He wanted them to work for the factory in the camp itself."

That is what I said previously. They were working on windows and door frames inside of that plant.

Q I believe this explains what is meant. We heard from other witnesses that there was supposed to have been a large chimney in this camp. Did you see such a smokestack in this camp?

A I have no recollection of it.

Q In order to clarify this may I tell you once more this visit in the concentration camp of Auschwitz was undertaken at the occasion of your first inspection trip in the Buna factory of Auschwitz. Is that correct?

A Yes.

Q Would you please tell me, once more, at what time this first visit took place?

A October, 1941.

Q Very well. Then you visited Auschwitz once more?

A Yes.

Q Would you please give me the time, once more?

A According to information that Mr. Ambros gave me, who was able to reconstruct it from his calendar, it was November, 1942.

Q Did you also visit Auschwitz concentration camp at the time?

A No.

Q Did you visit any other camps?

A As stated in my affidavit, at that occasion I inspected a camp in the immediate vicinity of the plant site, where concentration inmates were housed. In the meantime, between 1941 and '42, the system of transporting workers in the morning from the concentration camp to the factory and back in the evening had been stopped, and quite recently, as we heard from the testimony of some witnesses, since October, 1942, they were being housed in a newly constructed camp immediately adjacent to the work site.

Q Did you learn of the name of that camp at the time when you were there?

A I can say this: whether this camp was given a special designation by my accompanying gentlemen there, I do not know; perhaps some number, - but that large camp that I visited, which is always being called Camp Monowitz, by the Prosecution, I can say that to the best of my recollection I heard the name Monowitz for the first time through the indictment, and through the interrogation of the witnesses here.

Q Would you please tell me what the outside appearance of this camp was when you approached it; was there a fence around it?

A Yes.

Q Were there guard towers?

A No, I do not remember such towers.

Q Did you see guards outside of the camp?

A I remember that our visit had been announced by telephone in the camp, and that before we entered the camp the people accompanying us probably had to show their passes.

Q To whom did you have to show your passes?

A The camp was guarded by SS men; whether these were officers or enlisted men I do not know.

Q But these were SS people?

A Yes.

Q When you came into the camp what did you see?

A I remember this camp quite clearly still today. From the entrance gate there was a straight road leading into the camp itself, and to the right and to the left of this road, the customary wooden barracks were constructed in the customary space. At the end of this main road leading into the camp there was a large barracks. I assume perhaps that there were two beds together, and that barracks was used for the hospital. The barracks were of the normal construction type, the normal size, as one saw everywhere; they were relatively new.

I believe the camp had been just recently constructed and everything was in unobjectionable shape.

Q What type of persons did you see in this camp? Let's call it Monowitz? What sort of people did you see there?

A I was inside that camp in the afternoon at a time when these people were not in the camp for they were working at the time and I know very well that there were not many people about. There were only a few persons present working, perhaps on the barracks or doing repair work or cleaning work. I assume that they were people who were not at work, but employed working inside of the camp, and in the previously mentioned affidavit, I made an error, in this regard, because according to my recollection at the time I spoke about a small concentration camp for Jewish inmates. I can only assume that this error was caused by the fact that some of the people inside of the camp were recognizable as Jews, and that that gave me the wrong recollection.

Since I have had a chance to speak to Mr. Duerrfeld, after the indictment had been served, I asked him about this camp and he said, "That is quite impossible — it's nonsense. We never had a camp housing Jewish workers — partisans." Then I answered him, "I'll tell you where this camp was situated," and I showed him the road that was leading to Cracow and the camp and then he said, "Well, that was Camp 4 or Monowitz," and that cleared up the mistake.

Q Did you notice, in the case of these few persons that you met in the camp, anything special in regard to their physical condition, their attitude, or the atmosphere in general?

A No.

Q Do you have anything else to say about your visit in Camp 4 or Monowitz?

A No.

Q When you were in Auschwitz at the time did you hear anything that many people were being exterminated in this large Auschwitz concentration camp?

A No, I didn't hear a word about that. Nothing.

Q The trial brief charges all the defendants, and also you, in this connection, very severely, and since these reproaches are especially serious, I have to talk about these charges in detail, point for point. In paragraph 115 of the trial brief, the prosecution charges that these defendants, and that includes you, knew that in Auschwitz and other concentration camps, human beings were being exterminated by the thousands. What do you have to say to that charge?

A I can say most positively that the first knowledge about such events was imparted to me at the time of an interrogation in the Kramsberg Camp by Colonel Tilley, who also acted as a witness here. I wrote this down on that same day and I know most positively that before Major Tilley interrogated me in July of 1945 I didn't know anything about it.

Q Did you really not hear anything previously by radio, or

through the reports of some other persons?

A No, I didn't know anything about it previous to that.

Q From 15 September 1943 on you were in Italy?

A Yes,

Q Didn't people speak more freely in Italy than people in Germany? Did you hear nothing about it?

A It is certainly true that we Germans in Italy were able to speak more freely about all sorts of events of those times, and especially about affairs of the Party. In the circle of my intimate friends we all had the same opinion about many Party events and therefore we talked quite frankly among ourselves. But this subject was never touched upon and I did not hear anything about it from the circle of Germans nor from Italian newspapers nor from Italian industrialists with whom I got together.

Q Did you have a radio in your room in Italy?

A No, I can sleep without a radio.

Q When were you abroad for the last time?

A You mean before the collapse?

Q Yes.

A I visited Switzerland in the Spring of 1945 twice in the affairs of my Italian position. The transport of coal was concerned. To the best of my recollection the first visit took place at the end of February and the second visit during the first part of April, 1945.

Q At the occasion of this visit abroad didn't you hear anything about these events in German concentration camps?

A In the course of these visits in Switzerland I did not hear anything like that. I want to emphasize that in both cases I was with the German Legation in Berne — that I talked to several Swiss in Zurich, and that I certainly used that opportunity to read the Swiss newspapers, but I did not read a word about this or hear about it.

Q This brings me to the next charge in paragraph 195 of

the trial brief. It states that Farben had produced Zyklon-B gas.
What do you know about that?

A This is not correct. Farben produced cyanide combinations and compounds in one of their plants, but the particular product Zyklon was not produced by Farben as far as I know.

Q This would take care of the next question. It is charged here that Farben had supplied Zyklon-B gas.

A This is quite impossible because we did not produce it.

Q But you might have bought it somewhere from some other place and then passed it on.

A I consider that quite impossible.

Q It is further charged that this Zyklon-B gas was used to carry out the extermination program of the Nazis.

A To the best of my recollection I was first told about these events when the German newspapers during the second part of 1945 brought accounts of the trial against the well-known Hamburg firm, Tesch and Stabenow, for Major Tilley did not talk to me about the fact that Zyklon had been used in the concentration camps, but Major Tilley told me that in the Auschwitz camp those chemical warfare agents produced in Dyhernfurth, poison gases for military purposes, were used on prisoners of war. They were used on inmates -- not prisoners of war.

Q The trial brief further states that these defendants, at least in regard to all the points I just mentioned, at least intentionally closed their eyes to these facts. Would you please state what you have to say about that.

A One can not close one's eyes about things that one doesn't know.

Q. Perhaps what is meant here is not about facts that are known, but about facts that one has heard by rumor.

A. Before the dates that I gave you I didn't hear anything about these things by way of rumor either.

Q. It is further charged that Farbon had tested pharmaceuticals by forced experiments and artificial injections on these defenseless victims and these are the concentration camp inmates. Did you ever hear anything about that before this trial?

A. I do not believe that during the conversation Major Tilley had with me in July he spoke about the employment of poison gas in the Auschwitz camp -- that he spoke about pharmacological experiments or experiments with serum. He did ask me whether I knew anything about experiments in the Dachau concentration camp that were carried on with high and low air pressure, and I answered that in the negative at the time because I really didn't know anything about it, but I do not remember that he talked about pharmacological or serum experiments so that the knowledge of such facts was derived only from the physicians trial or through the indictment.

Q. The next five allegations and charges I can skip because they are charges in regard to Auschwitz -- the employment and engagement of concentration camp inmates in the construction camp inmates in the construction work and that was already discussed in detail by us. There are two more charges that I have to put to you. It is stated that Farbon had furnished methanol which was used for the burning of the corpses. Do you know anything about that?

A. No, as long as I was in Auschwitz there was no methanol production. I don't know anything about it.

Q. I don't know what methanol is. Perhaps the Tribunal doesn't know it either. Would you please describe to us, in your capacity as a chemist, whether methanol can be used for burning purposes?

A. Methanol is a product that was planned in Auschwitz and the

production of which was started at a later period -- I don't know what year any more. Methanol is the lowest of a large series of alcohols and is inflammable. To what extent it is suitable for the use mentioned by you, the burning of corpses, is hard to answer. But, in my opinion, I think it is the most unsuitable product for that purpose because methanol burns at a comparatively low temperature and it is not suitable for purposes of burning difficult combustible material, and the chemist would not employ it for such a purpose.

Q. The last charge of this part of the trial brief states that Farben had taken their part of the warm clothing of the victims. Do you know anything about that?

A. No, I don't know anything about that.

Q. This takes care of this subject matter. I have only a few more questions to put to you in reference to the following. You are being charged with having, together with your colleagues of the Vorstand -- the people in the dock here -- made a conspiracy to help Hitler for certain purposes and in regard to this conspiracy I have a few questions. This conspiracy or common plan of Farben with Hitler is supposed to have begun in 1932 at the occasion of the visit of two Farben people with Hitler. You know what people are meant here and what visit is meant. Would you please tell me what you know about this affair? Especially whether you know about this visit before it was carried out.

A. Before this visit took place I know nothing about it under any circumstances. Whether at the occasion of some chance remark I heard something about it I do not want to answer quite definitely "yes" or "no" under oath, but I believe not. To the best of my recollection I know details about this visit only through my stay in the Kramsberg Camp and my talk to Dr. Buctofisch.

Q. On 20 February 1933 Hitler gave a speech in Goering's house. Seven days later Farben made a contribution of 400,000 marks. What

do you know about those two facts?

A. About the contribution we already thought in the Kramsberg Camp because none of the gentlemen present knew anything about the granting of this 400,000 marks. Whether, after the meeting in Berlin in February, Mr. Von Schmitzler, who was often in touch with me in Frankfurt, told me anything about it I do not want to answer by saying yes or no today, because I really do not know it any more.

Q. How many Vorstand members did Farben have in 1933 when Hitler took power?

A. The working committee consisted of 27 gentlemen, in 1933, not counting those gentlemen of the Verwaltungsrat who participated in these conferences.

Q. How many Vorstand members did Farben have approximately in 1939?

A. In 1939 all Vorstand members -- or in 1939 all became regular Vorstand members and then the number was around twenty -- I don't know if it was 26 or 27, but approximately that.

Q. Where did these people live?

A. They all lived scattered all over Germany -- Frankfurt, Heidelberg, Ludwigshafen, Hoechst, Leverkusen, Bitterfeld, Wolfen, Berlin, Leuna, and Elberfeld. That is probably where they lived.

Q. We found this out earlier already and we found that these 27 Vorstand members lived in eleven different places of Germany. How often did these Vorstand members get together?

THE PRESIDENT: Dr. Berndt, just a moment please. That is a subject that has been very thoroughly covered and I am sure there will be no very much controversy about it. I don't think you need to take much time on showing the scattered communities in which the members met and the frequency of their meetings. I dare say there will not be much controversy about it and we understand the facts.

Q. Very well. May I ask you -- a conspiracy close contact. What was the nature of the contact between the various Vorstand members?

A. The contact between the various members was very various and different. As far as I was concerned, and I was able to see things, there were Vorstand members that I saw several times a year, that I exchanged a few personal remarks,—but with whom I had so little business that I hardly spoke to them at all. On the other hand, in my own Sparte and among the technical colleagues and in the dye-stuffs field, there were gentlemen with whom I had so little business contact that I hardly spoke to them at all. On the other hand, in my own Sparte and among the technical colleagues and in the dye-stuffs field, there were gentlemen with whom I had constant-close contact. That was quite varied.

Q. I shall comply with the desire of the Tribunal and ask a few short questions that you can answer very briefly by saying yes or no or by giving a figure. Was there any member of the Vorstand who was a definite Nazi?

A. Ho.

Q. Was such a man in the Aufsichtsrat?

A. No.

Q. After 1933 were there any more Jews in the Aufsichtsrat?

A. Yes.

Q. How many?

A. At least four. I believe occasionally five.

Q. When did the last Jews leave the Aufsichtsrat?

A. I believe in 1938.

Q. After 1933 or 1934 was there any active Nazi who was taken into the administration?

A. No.

Q. Was a Vorstand member in an influential position with the

government of the Third Reich?

A. One can answer this in the affirmative only for those years when Dr. Krauch was still a member of the Vorstand -- that is up to 1940 -- for after all his position in the Reich Office for Economic Development was an important position in the Third Reich.

Q.. Wasn't a member of the Vorstand also a member of the German Reichstag?

A. Yes, Dr. Schmitz was a member of the German Reichstag.

Q. Do you know whether he was a member of the NSDAP Party, -- of the fraction in the Reichstag that was represented by the NSDAP?

A. No, I merely know that when the Reichstag was constituted, a small fraction was included that was considered outsiders or visitors only.

Q. In view of the size of Farben and the complicated nature of its construction, in your opinion, was there a conspiracy possible in the case of some Vorstand members, for the prosecution charges all of them with conspiracy -- not only a few. Was a conspiracy possible among all of these persons?

A. I consider that impossible.

Q. Do you consider it possible that so many people could keep anything secret?

A. I consider that impossible that all these people could keep it secret from each other.

Q. Do you believe that any single person of the gentlemen in the dock could have participated in a conspiracy that was perhaps not known to you?

A. To the best of my conviction, no.

Q. Do you believe, as far as you know your colleagues, that any one of them was inclined to participate in any conspiracy?

A. I consider that impossible too.

Q. Did any one of your colleagues, at any time, remark to you

that he had known the aggressive intentions of Hitler?

A. No.

Q. This completes my questions on the subject of conspiracy.

Dr. ter Meer, you testified after you were sworn in by the President. Therefore I must ask you, did you answer all questions that I put to you to the best of your knowledge and belief?

A. Yes.

Q. In a few cases you answered and made changes or additions to your affidavit that you previously rendered -- that is clear. I do not believe that I have to fix the details about this, but I shall reserve my right to do this at a later time for your additions and corrections were entered on the record, and especially those which you gave me this morning in regard to Document 75. But I must ask you, nevertheless, do you want to make any corrections, additions or any other change to the affidavits you have rendered up to this time?

MR. SPEECHER: I am sure the prosecution won't object to a leading question in this case if it will help us get along.

THE PRESIDENT: The prosecution means, Dr. Berndt, if you wish to call his particular attention to anything that is contained in any affidavit that the prosecution has no objection to you doing so in the interests of time.

DR. ERNST: Very well, thank you.

Q Dr. Ter Meer, besides the remarks that you made in regard to Document 75, I have nothing in mind. I call your attention to the fact that your statement about the new order has not yet been made subject of the examination. That is in connection with Count 2 of the indictment. We shall deal with it later.

A In the affidavit about labor questions --

Q This is Document No. 75, Exhibit 237.

A NI-8162, in one place there is a small omission. I want to supplement that.

Q Would you please give me the number of your affidavit, the paragraph in your affidavit?

A This is paragraph 10, at the end of the English page 7, approximately in the middle. I will read in the English because this is the original: "First hand information as to the situation of labor existing at our works was in no way unknown to anyone in the 'EA meeting, with the possible exception of von Knieriem, von Schnitzler and Dencker."

I forgot to mention the name Schmitz. Of course, Mr. Schmitz was just as little informed as Mr. von Knieriem and Mrs. von Schnitzler about labor questions in the plants.

Under paragraph 20, I made a statement about the treatment of Russian prisoners of war that I brought in connection with some Farben plant at the time. Through a later conversation with Dr. Ambros I learned that I apparently made an error, since in the Gendorf plant there were no Russian prisoners of war at all, merely Russian civilian workers. I cannot make any more detailed statements about this point because I do not know anything on it. Otherwise, everything else has been clarified in that affidavit.

DR. ERNST: Mr. President, this concludes the examination of Dr. Ter Meer with regard to Counts 1, 3 and 5 of the indictment. At the beginning of my examination I reserved the privilege to interrogate

MR. BRET: Very well, thank you.

Q Dr. Ter Meer, besides the remarks that you made in regard to Document 75, I have nothing in mind. I call your attention to the fact that your statement about the new order has not yet been made subject of the examination. That is in connection with Count 2 of the indictment. We shall deal with it later.

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MR. BREWSTER: Mr. President, this concludes the examination of Dr. Ter Meer with regard to Counts 1, 3 and 5 of the indictment. At the beginning of my examination I reserved the privilege to interrogate

Dr. Ter Meer in regard to Count 3 after I have all the material, especially that to be handed in by Dr. Silcher, and the Tribunal permitted me to conclude my examination at a later time. Presently I have no further questions to put to Dr. Ter Meer.

JUDGE MORRIS: Not only did the Tribunal have an understanding with you that you would be permitted to recall Dr. Ter Meer, but I understand also that you were to reserve from your regular estimated time the time within which to do that. Now, we find that these estimates of time are regularly exceeded by Defense counsel. I am speaking now for myself, not for the Tribunal; this is my own idea.

Our first estimate was that you would complete your examination of Dr. Ter Meer by last night, Dr. Berndt, and when last night came—you needed a half hour this morning. Now it has taken an hour to complete your examination.

Now, this trial must move along with reasonable speed. I am not just saying that to you but for the benefit of all counsel. The Tribunal undoubtedly has the authority to determine how much time you may have to present your respective cases.

In order to be liberal and not hinder the Defense you have been asked from time to time how much time you would need and we have tried to keep the case moving on the basis of time by consultation with you. Now, if we can't do it that way and keep the case within reasonable bounds, we will have to have a change of policy, in my estimation, by the Tribunal, and instead of asking you how much time you will need to present your defense or to examine a certain witness, the Tribunal will tell you, and you will have to stay within that time.

Now, I feel that unless we can have a little bit better cooperation in omitting many inconsequential details that we have gone into not only once but two or three times as we go along in this case, that we are going to have some change in policy with reference to the termination of time in order to assure that some time we will be able to terminate this case.

Dr. Ter Meer in regard to Count 2 after I have all the material, especially that to be handed in by Dr. Silcher, and the Tribunal permitted me to conclude my examination at a later time. Presently I have no further questions to put to Dr. Ter Meer.

JUDGE MORRIS: Not only did the Tribunal have an understanding with you that you would be permitted to recall Dr. Ter Meer, but I understand also that you were to reserve from your regular estimated time the time within which to do that. Now, we find that these estimates of time are regularly exceeded by Defense counsel. I am speaking now for myself, not for the Tribunal; this is my own idea.

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As I say, this is my own observation made personally without any consultation with my fellow colleagues on the Tribunal, and I don't want them to be blamed for anything I am saying here, but I do hope that all counsel will cooperate better than they have in the past with regard to taking these examinations in hand, controlling the witnesses answers, and bringing the examinations to termination within a more reasonable time than we have had in most instances since we started the Defense's case.

THE PRESIDENT: The Tribunal understands the reservation that you have made with respect to Count 2 of the Indictment. We understand also that subject to that reservation you are now through with your examination-in-chief of Dr. Ter Meer.

Any other counsel for the defendants may now interrogate the witness. We ask you to please bear in mind the admonition made early this morning and the observations offered by Judge Morris for what you may consider them to be worth.

You may proceed.

DIRECT EXAMINATION — Continued
FRITZ TER MEER

BY MR. SCHUBERT (Counsel for defendant Buergin):

Q Dr. Ter Meer, in Book 22 an affidavit is contained of yours which was presented by the Prosecution as Exhibit 507. You speak about Mr. Buergin's person and about the offices held by him. Under paragraph 3 of this affidavit you say that Dr. Buergin was a member of the Aufsichtsrat on the Flix plants in Spain. Was Farben participating in these Flix plants in Spain?

A The participation in the Flix plants was originally a participation of the chemical plants Griessheim-Elektron, one of the predecessor firms of Farben. As far as I know, the participation is of a very long standing and dates back to the time before the First World War. During the later time it was automatically changed into a Farben participation.

Q Dr. Ter Meer, during the examination by your Defense counsel

you stated that you had rendered an affidavit in the English language. Is that the case in this particular affidavit that the original was rendered in the English language?

A I believe so because all those affidavits at the time, with the exception of the one given to Mr. Newmann, I believe were all held in the English.

Q You gave it to Mr. Sprecher.

A Then it was certainly in English.

Q Under No. 4 of this affidavit you stated, and I quote the German, and I want to clarify exactly what you meant. You state that the plant in Horden, the Norwegian participation of Farben, was begun in operation by Dr. Buergin's leadership. I compared the English text and it only states — "gave it the know-how." There is a big difference between those two expressions. May I then assume that the English text is the decisive one that should be considered, and that only an exchange or surrender of experience took place?

MR. SPRECHER: We will stipulate to that.

Q Under paragraph 5, you say that Dr. Buergin or one of his associates certainly worked together with the Krauch office of the Fourt Year Plan in the field of electrolytical chemistry. Dr. Ter Meer, can you say with certainty whether this conglomeration extended to the entire large field of electrolytical chemistry or whether it extended to only a part of this field?

A The collaboration in this field undoubtedly referred only to what we understand in Germany under chlor-alkali electrolysis. Whether any other processes were involved besides that I don't know.

Q Shortly thereafter you state that "Dr. Buergin, together with Krauch, in many respects". Did you make this statement in regard only to Dr. Buergin or to a larger circle of people?

A At your request I again looked at the original interrogation record, and I have the impression that when the affidavit was copied an omission was made by me and phrase used by me in other places, "or one

of his associates" that I used generally was somehow left out by some error that I did not notice when I corrected it. It referred, however, to Dr. Buergin and or one of his associates, for I did not know whether it was Dr. Buergin himself or not. And that also applies to the collaboration in the Economics Group stated subsequently.

Q Yes, I was just coming to that. You say that Dr. Buergin and you say one of his associates was the chief of a sub-committee of the Economics Group. What do you mean by this "sub-committee"?

A They were so-called specialized groups in the Economics Groups, and this specialized group concerned with chlorine electrolysis was under the direction of a person not belonging to Farben, but there was a technical committee belonging to this specialized group, and that was directed either by Dr. Buergin or his deputy.

Q I now turn to some thing else, Dr. Ter Meer. You certainly know the Adken plant near Bitterfeld used for the production of magnesium?

A Yes, I visited it one time.

Q The witness Struss stated in one of the affidavits of the Prosecution, Exhibit 98, that the construction site in Adken was chosen because it was very well camouflaged against observation from the air.

You yourself saw this site. Can you confirm Dr. Struss's statement?

A I believe that one can be of different opinions about this point at least, for Adken was situated directly on the Elbe river, and as is well known nothing is so favorable for observation from the air as the proximity of a river. Therefore, I do not want to subscribe to Dr. Struss's statement to its fullest extent.

Q One last subject matter. The Prosecution has offered some contracts in the field of magnesium concluded between Farben and American firms, especially the Aluminum Corporation of America. In these contracts a participatory firm of the Alcoa, the Magnesium Company, is mentioned. Did you ever visit the American Magnesium Company, of Cleveland?

A. Yes. In this American Magnesium Company, I believe Dr. Walter Duisberg, president or vice president in New York. At any rate he was in some leading position, and I knew Dr. Duisberg, the son of the old Geheimrat Duisberg, and through him I met one Mr. Wilson at one time who also had a position as vice-chairman or something like that in the American Magnesium Corporation. I met these gentlemen sometimes and at one time I was invited by Mr. Wilson to inspect the large light-metals working factory of the Aluminum Company of America at Cleveland, Ohio. I accepted that invitation and inspected that plant under Mr. Wilson's guidance, very thoroughly. That was in 1935.

Q. Dr. ter Meer, you probably know that the Prosecution submitted these contracts, and so on, in order to show that Farben tried to suppress the development of Magnesium in America. Did you make any observations about this when you visited Cleveland?

A. Not only when I visited Cleveland but also in the case of earlier and later discussions, either with Mr. Wilson or with Dr. Duisberg, or other gentlemen of our enterprise who worked in the magnesium field in America temporarily. I know definitely that our people were of the opinion that the Aluminum Company of America obviously and quite evidently gave preference to aluminum and considered the magnesium somewhat of a competitor for their main product -- aluminum. We also discussed this with Mr. Wilson, and it was especially the constant complaint of our own people. When visiting Cleveland I saw the tremendously large and well-equipped aluminum works of Alcoa, but for the work on magnesium at that time only foundry material was turned out from magnesium, they only had a very small workshop. On that occasion Dr. Duisberg, Mr. Wilson, and I also discussed the same question: whether the production of magnesium might not be pushed in America a little more.

Q. You had the impression then that Farben was interested in introducing magnesium into the United States?

A. Certainly; otherwise we wouldn't have concluded the contract.

Q. Thank you. I have no further questions.

BY DR. HELMUTH DIX (Counsel for defendant Schneider):

Q. I have only three questions, Dr. ter Meer. The first one is for what reason, as far as you know, was Dr. Schneider made the main plant manager of Farben, in 1938?

A. The immediate cause for this appointment was the resignation of the former main plant manager of Farben, Prof. Selck. As far as I remember, he retired in 1938. We had to look for a successor, and this succession was first offered to me. I rejected it because I was in an office and not in a plant and it was already criticized regarding Mr. Selck that he looked at the social questions too much from the point of view of the workers. Therefore, at that time I myself made the suggestion that Dr. Schneider should be appointed for two reasons. Dr. Schneider had to take care of the largest plant of Farben, the Leuna plant, and therefore he knew from his own experience all the problems in this field. He had constantly to work with these questions. Furthermore, I had noticed that at the occasion of some conferences about labor questions, Dr. Schneider always found himself well oriented and proved himself to be interested in these questions. That is why I suggested Dr. Schneider for the main plant managership. This was discussed in the Central Committee and accepted there.

Q. What was Mr. Bosch's attitude to this suggestion?

A. Mr. Bosch also approved.

Q. I now turn to the second point: Schneider's appointment to the Haupt-Abwehrbeauftragter (Counter-intelligence delegate). Do you know anything about the reasons for this appointment?

A. No, I cannot give you this definitely. I believe that at the time when the main counter-intelligence delegate was created this matter automatically was referred to Dr. Schneider because he was the main plant manager. Before this, this Department A of Vermittlungstelle was taken care of by Mr. Morbeck, and Mr. Morbeck's successor was Mr. Faubl. Mr.

Fauble had some difficulties at one time with the authorities. Whether Mr. Fauble was the main counter-intelligence delegate, I don't know. That is when Mr. Schneider came in, I believe.

Q. When Mr. Schneider was appointed to these two offices, did his sponsoring membership in the SS play any part?

A. I cannot imagine that that played any part.

BY DR. SILCHER:

Q. First I have a few questions on behalf of Prof. Hoerlein, as the deputy for Dr. Nolte who is on an official trip and asked me to deputize for him. ---

Dr. ter Meer, you were head of Sparte 2, to which also the pharmaceutical branch of Farben belonged?

A. Yes.

A Yes.

Q As testified to by Prof. Hoerlein on the witness stand you had to take care of the questions of pharmaceuticals from scientific and technical points of view. You left to Prof. Lautenschlaeger and Hoerlein but perhaps, nevertheless, you know the organization of the pharmaceutical branch?

A Yes.

Q Was there any central direction, Supreme Directorate, in the organization in the pharmaceutical branch of the Farben?

A I don't know whether you mean this in the sense that there was a person or a body. We heard about the pharmaceutical main conference which embodied business men, technicians and others and that was the Supreme Directorate, so to speak.

Q Was there any supreme leadership in the sense of consolidating all its decisive functions in one person?

A No, there was no such person because it wasn't customary with us to consider one Vorstand member to make him the superior to any other. We were all colleagues.

Q What was the purpose of the pharmaceutical main conference and the scientific central conference, in your opinion?

A The pharmaceutical main conference was a commission on which business men, scientists, producers and publicity men were represented and who worked together on the points where their particular field touched and the second conference, the pharmaceutical main conference, was a purely scientific one.

Q Can the purpose of these conferences be seen in advising the Vorstand about their particular field?

A The Vorstand members belonging to the pharmaceutical Sparte considered among each other about the policy in the business and technical, producing and advertising fields.

Q Did non-members of the Vorstand also belong to this conference?

A Yes, a large number of directors.

Q As Chairman of these two conferences did Prof. Hoorlein have a position that might be termed a superior one?

A No, he didn't have it in these conferences. He was always a primus inter pares towards his Vorstand members and towards his colleagues.

Q Did he ever try to exercise any control or supervision about those persons participating in the conferences?

A Only to the extent that they were subordinate to him.

Q Then not by reason of his position as chief of the conference?

A To make it quite clear, Mr. Hoorlein was in charge of Elberfeld. Of course, he did not only have the right but also the duty to exercise control and supervision, but I should like to say that the Hoechst plant, for instance, with all its institutions was in no way under the supervision or control of Prof. Hoorlein because that task was delegated to Prof. Lautenschlaeger who was equal in position to Prof. Hoorlein.

THE PRESIDENT: It's time for our recess. The Tribunal will rise.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: You may continue, doctor.

FRITZ TER MEER (continued)

DIRECT EXAMINATION (resumed)

BY DR. SILCHER:

Q. Dr. ter Meer, during the direct examination you were speaking about the orders given by the Army Ordnance Office in order to construct a chemical warfare agent plant. We are concerned with a conference in the Army Ordnance Office here in which you and Mr. Hoerlein and Ambros participated, and when discussing that conference you were mentioning that Dr. Schrader of Elberfeld was developing the chemical warfare agents Tabun and Sarin. What did you mean to say by that?

A. Through the statements made by Prof. Hoerlein and through the affidavit which he has submitted it has become quite clear that Dr. Schrader was working in the field of insecticides and that while doing that he encountered a substance which later after the outbreak of war was produced in a large scale, at first the Tabun and later the Sarin. If I used the word "develop" in this sense I did not mean development in the sense of a semi-technical execution of large scale experiments. I have already mentioned before in this connection Elberfeld did not undertake any such large scale experiments, but the order for development by the Ordnance Office was actually being rejected.

Q. If I have understood you correctly then when you used "development" you did it in the sense that Dr. Schrader and Prof. Hoerlein have used it during their testimony in the witness stand?

A. Yes.

Q. Do you know who actually carried out the development of this toxic substance into a warfare agent?

A. This work was done by the Army Ordnance Office. The Army Ordnance Office already before the outbreak of the war had had an experimental plant for these substances at Spandau, if I am not mis-

taken, and there they had a number of their own chemical experts at work who were employed by the Army Ordnance Office.

Q. I am now turning to my own question within my general subject referring to the responsibility of the Vorstand. When you were examined by Dr. Berndt you mentioned two instances during which Vorstand members were dismissed from their post because of some events. It is now my question how such incidents had been uncovered in the cases you mentioned. Was it the result of a current supervision of these Vorstand members by other Vorstand members or did you have certain hints without any such actual supervision taking place, that something was ~~not~~ quite proper and did you investigate the matter as a result of such hints?

A. The latter was true.

Q. Was this in accordance with the general handling of the matter as it applied generally to the I. G. Vorstand with reference to such matters? Was it your duty to supervise your colleagues on the Vorstand and was that true conversely?

A. A permanent mutual supervision on the part of one member of the Vorstand towards the other was certainly never exercised and was never considered to be proper.

Q. Was the supervision possible in the form where a Vorstand member would come to you and would ask information with respect to certain spheres regarding your work because he wanted to supervise the way you did your business?

A. Whenever a colleague of mine approached me and whenever he asked me about some matter in which I was personally active because he was interested in it I would certainly give him every proper information in that regard but if one of my colleagues had approached me and had told me that he was supervising my work and that he wanted me to give account of this or that particular work of mine then in a very firm but perhaps still friendly manner I would have told him to

look for the door.

Q. And how about the converse case? Was it possible that the supervision was exercised in the form where you would ask your colleagues in the Vorstand about information with respect to their own sphere of work under the point of view of supervision?

THE PRESIDENT: Counsel, I think the Tribunal could pass a pretty good examination on that subject and we have heard a lot since the 27th of August last about the operations of this concern and we think we are pretty well informed on the general mechanics of the different bodies that go to make up the governing units of Farben. If you are leading to something you think we might not have been told about it will be well and good but you need not spend too much time on the general plan of the organization. I believe we are pretty well informed on that subject.

Q. Your Honor, I shall endeavor to limit my questions with respect to this point. My last question has not yet been answered. You have only referred to my previous question and answer. Perhaps you can tell me very briefly.

A. No, I can't answer that question briefly. I have emphasized for instance, that the Sparte heads had certain special tasks, for instance financially with matters concerning new plants, expenses with experiments within their own Sparte and I would understand that a certain amount of supervision was exercised in that respect but that, of course, is a different form of supervision than the one you meant when posing your question. Apparently you are thinking of the obligation of the individual member to supervise the sphere of activity of each one of his colleagues in the Vorstand but I never had any slightest part of doing that in the case of my own colleagues.

Q. Did the methods play any part in that connection according to which Vorstand members were chosen in Farben?

A. I think that I have already testified on that at great length which is because Vorstand members were chosen very carefully and we

could rely on them that they would exercise the work correctly and properly.

Q. Now as it, for instance, if specific and important matters came to your attention, referring to something not being quite in order with respect to the way one of your colleagues was handling his business?

A. Well, that would have been different. Then naturally I would have felt obligated to handle that matter. I probably would have approached the Chairman of the Vorstand and I would have asked him to intervene. I may have asked him to pass on the matter to the office which would have been proper according to the seriousness of the case. If the matter was of a purely material nature which could have been dealt with during a Vorstand meeting and, if on the other hand, more serious matters were concerned, the Chairman of the Vorstand would have probably discussed this matter with the Aufsichtsrat.

Q. If then there was such an emphasized individuality and independence of each Vorstand member with respect to his field as it becomes apparent from your statement, what then was the entire handling of the business which the Corporation Law lays down in the case of the Vorstand numbering more than a certain figure?

A. One can reply to this question only from two points of view. The entire business management to a certain extent was the summation of work of all individual gentlemen with respect to their own fields. That, however, didn't mean the obligation of one to supervise the other. Only if instances had occurred which had established the duty to intervene with respect to the activity of another colleague, such steps would have been taken. I have explained that before.

Q. If I had understood you correctly, a complete independence would have meant that you would have to satisfy different matters that came up belonging to this sphere of your colleague and not into your own?

A. I am sorry, I don't quite understand what you mean.

MR. SPEECHER: Your Honor, it is objected to as leading, argumentative and repetitive.

THE PRESIDENT: Objection sustained. Ask another question, Doctor.

BY DR. SILCHER:

Q. During the years of 1933 to 1945, the years which simply interest us here, did such instances occur in the Vorstand of Farbion that you receive any hints that the business management of one of your Vorstand colleagues was not quite proper?

A. No, apart from the two cases which I have mentioned, and which were before the year of 1933, I know of no such case.

Q. According to the general conviction of the gentlemen of the Vorstand, what was the possibility of dealing with any one matter on the part of the entire Vorstand?

A. If I understand anything of your question, every one had their field of work, as I have already described it, and he had his duty to perform regarding that field of work. That the most important events were discussed within the bigger circle, but there was no duty to supervise any one else. Naturally, there would have been some duty

with respect to supervision if any violations had occurred. I have already told you what I would have done; and I had nothing more to whatever I have said.

Q. I was thinking of the possibilities to determine broad directives with respect to the business policy of perhaps this detail?

MR. SPEECHER: It seems to me that this question is asking for possibilities, and is based on hypotheses. Objection.

THE PRESIDENT: Well, that's all in the field of conjecture. Objection is sustained. Ask the witness specifically about anything you think that is pertinent; let's move along here.

BY DR. SILCHER:

Q. Were the discussions of matters in the Vorstand an equal one, or was one opinion of more importance than some one else's opinion?

THE PRESIDENT: Counsel, that would be purely a question of opinion, which you would not want, counsel. One man can express an opinion, and another man can express another opinion, whose opinion would be more important, or would be correct, is again opinion itself. Your question answers that question. Two men might agree, and then they might not agree, and you get the opinion expressed by two brethren. You are getting into a field that is pretty hazy.

THE WITNESS: The Vorstand members had the right to note something on the agenda that they wanted to bring up. They could bring up whatever they liked, and what they liked, in that respect they were quite equal. Counsel, you know very well that different personalities vary from each other, and that one personality may be stronger than another, and in that respect, of course, there was a difference, but, that is probably not your question.

Q. With reference to the point which I asked you, was there any change in the new Corporation Law of the year of 1937?

A. Since I am not a lawyer, I can not reply to that question, but I don't feel so.

Q. My question refers to the actual handling of that matter in the Vorstand, whether any change had occurred in that respect?

A. I don't know, No.

Q. Did any change occur in that respect because of the re-organization of the Vorstand in the year of 1938?

THE PRESIDENT: Well, that is the same question, counsel. That is just the same question. You are putting it on the basis of time, now, rather than the change of law, and the witness has already said he does not know anything about that.

DR. SILCHER: Your Honor, these are two entirely different points which I am bringing up.

THE PRESIDENT: Very well, answer the question, witness, if you can?

THE WITNESS: I have already told you that there are legal points about which I can not judge whether either before and after.

Q. I have one more question to put to you. I beg your pardon, the counsel in question has arrived in the meantime for whom I wanted to put the one question.

DR. ASCHENHAUER: (for the defendant Gattineau): Dr. ter Meer, you stated that you had seen a number of personalities in the Party, or the National Socialist State, and that you have met some of them. Did Dr. Gattineau mediate in any way which resulted in any such meetings?

THE WITNESS: No, in no single case.

DR. ASCHENHAUER: Thank you very much.

DR. VON LETZLER: (for the defendant Haefliger): I have one question to put to Dr. ter Meer.

The question is on the supplementation of those plants which the counsel for Mr. Baergin put to you on the magnesium complex. Dr. ter Meer, do you know that already before the year of 1933 Farben had intentions to construct a magnesium plant at Bitterfeld?

A. Certainly, I think I have mentioned it on the very first day of my examination. Especially, between the period of 1925 up to the crisis of 1933, 1930 to 1933, on the technical field under the heading of our entire activity. At the time the construction of the modern plant for magnesium was intended, and so far as I know such construction was approved in the year of 1928, and, then because the crisis started, it was not executed exactly as it was planned, but I know of the plant, and I know that it was our first modern large scale plant, since the factories existing after that time were much smaller.

Q. Do you still remember the sizes which were intended for this plant?

A. At that time we planned this plant for a capacity of 10,000 tons, but because of the following crisis one half of it was realized.

Q. And what were the decisive points of views at that time with respect to the planning of this installation?

A. With respect to the magnesium, I think I already mentioned the production of magnesium, going back to the time before the first World War. I have also mentioned that the then head of Bitterfeld, Dr. Pistor, had a large share in the invention, and that he was pushing ahead these details with a great amount of interest. I also had said that during the years from 1926 to 1929, during the economic boom, we found out our production possibility did not suffice, since no actual complete process for the production of magnesium had as yet been developed, and that is why one then decided to construct a large scale magnesium plant, and that was around the year of 1928. As stated, that plan was submitted before the Chema, which was found to be correct, and it was approved.

Q. You don't remember any presentation of the matter before the Chema?

A. Then in those years I was not at the Chema very often. I was in America at the time and I cannot really remember it.

DR. VON HETZLER: Thank you very much. No further question.

THE PRESIDENT: Any further examination by counsel for any of the other defendants? If not, the Prosecution may proceed on cross examination of the defendant.

JUDGE HELBERT: Mr. Prosecutor, before you proceed with the cross examination, may I make a few remarks, also based observation, somewhat along the lines of Judge Morris this morning. I am speaking just for myself, of course. We would not want arbitrarily to limit the length of cross examination because we recognize the prosecution has a function to perform in bringing out the relevant facts. On the other hand, I would admonish the Prosecution that we had at least one instance of rather a long attempt at cross examination that was not particularly helpful to the Tribunal, in that it went into many, many details with which we were not particularly concerned. You will, of course, have to exercise your sound discretion in the matter, but I would like to say that this witness has been on the stand now for four and a half days, and he has testified rather fully. It is my personal view that in the testimony he went into many, many details that are far beyond the range of pertinent inquiry that the Tribunal is interested in. For example, we may question whether it was worthwhile spending a day and a half on all the details of the Buna negotiations in the United States, when we are interested only in a relative limited phase of the matter whether or not information was in fact withheld from the American partners in those negotiations. Now I am making these remarks generally because frankly, I am somewhat disturbed by the fact that it has been indicated that the cross examination would occupy a full calendar day. If there is any way in which you could really get to the heart of the matter by highlighting those pertinent things which you think the Tribunal is highly interested, I

hope you will keep that in mind in your examination.

MR. SPENCER: Thank you very much. We shall try to confine this examination to the high points, and the fact the witness had been taken over for more or less of a whole series of questions, I don't think that the examination would have lasted as long as it now probably must. I may say that Mr. Dubois and I will divide this cross examination, and I shall start out with Auschwitz, the Slave Labor, and Count II, and a substantial part of Count I, and, Mr. Dubois will have a very few questions, as I understand it, on the Buna matter, and on the production, but that my examination will take most of the time.

CROSS EXAMINATION

BY MR. SPRECHER:

Q Now, Dr. Ter Meer, we just want to know what your own wishes are with respect to what channel you are going to hear on. I don't care so much in what language you wish to answer, but it will make some difference in the timing of the questions from my point of view if you are listening in on channel two.

A I am going to listen to your English, but I am going to answer in German.

Q Thank you very much. You stated that no one said anything to you about the gassing and burning of concentration camp inmates in Auschwitz until 1945. Are you sure that no one ever said anything to you about that matter before that time?

A Yes, sir, I am sure of it.

Q Is it not a fact that Dr. Struss told you in 1943 that he personally had learned of people who were being gassed and burned at Auschwitz, and that one of the chief engineers had confirmed this matter to him at Auschwitz?

A No, Dr. Struss did not give any such information.

Q Is it not a fact, Dr. ter Meer, that when you were in Frankfurt, with the approval of the Tribunal in November 1947, that Dr. Struss asked you whether you remembered that he had informed you about the burnings of inmates in the concentration camp of Auschwitz, and that you replied that this was possible that he had told you that you told him that event he should not rely on rumors?

A This conversation has not been represented properly. Dr. Struss mentioned that he had heard certain rumors about Auschwitz, and that he had discussed such rumors with me and other gentlemen of the TEA office. Thereupon I answered that that was not correct, and that if you should have meant any insinuations to that effect, you have not made it in such a way it would have allowed me to make such conclusions which were expressed now.

MR. SPRECHER: I would like to mark for identification NI-12610; that becomes Prosecution's Exhibit No. 1876 for identification.

BY MR. SPRECHER:

Q This is an affidavit by Dr. Struss, given to us recently, in which he recounts directly this conversation with you in Frankfurt. In view of the fact that the witness will not come back to the stand again for this purpose, I wonder if the Court would be adverse to him taking a look at the short paragraph?

THE PRESIDENT: You may pass the exhibit to the witness. Now, counsel since that is not a document in evidence, I assume you would like passing it to the witness to refresh his recollection as to the matter you intend to inquire about, -- is that correct?

MR. SPRECHER: Yes.

THE PRESIDENT: Very well.

BY MR. SPRECHER:

Q Now I ask you you to read paragraph three, and ask you whether that refreshes your recollection concerning the nature of the conversation with Dr. Struss Frankfurt, particularly, that phrase where he says "During that discussion I mentioned to Dr. ter Meer the facts which I recited in the interrogation hereto attached, namely, I asked Dr. ter Meer whether he remembered that after my second visit in Auschwitz, I informed him about the burnings in the concentration camp Auschwitz. Dr. ter Meer replied that it is possible that I told him that, and that he replied at the time, 'One should not rely too much on rumors.'"

A This description given by Dr. Struss is wrong. I did not say to Dr. Struss what he stated here. I rather told Dr. Struss "It is possible" that you make to me some general indications, and that I then briefly interrupted you, and I told you I didn't want to hear anything of rumors." I in no way am admitting Dr. Struss at that time spoke of any burnings or gassing of concentration camp inmates at Auschwitz.

Q When someone did come to you with a report concerning any rumors, or any statements concerning Auschwitz, was it your custom to break into

the conversation and tell them, you did not want to hear about it?

A I must reply to this question at some greater length, because apparently you don't understand sufficiently how Dr. Struss and I worked together. Dr. Struss had the custom of talking about all sorts of things which went on all around the world in Farben, in the administrative council of the Vorstand, etc., and on some occasions he repeated a lot of unreliable rumors, as chatterings about other persons been concerning in private life of other people, etc. I always disliked to discuss them, of doing that, and I, therefore, asked him repeatedly not to bother me with rumors of that kind, and Dr. Struss knew that, and it is, therefore, quite possible that Dr. Struss at one time told me that he heard some rumors, and that I had interrupted him afterwards, and told him if that was only rumors I don't want to hear of them. Fact of course, but no rumors.

Q Dr. ter Meer, in your testimony yesterday, you mentioned our Exhibits 1413 and 1414 in Book 72. Do you have your books there with you, if not, I have a German copy of it.

A Yes, I have it here.

Q Exhibits 1413 and 1414 are both file notes by you concerning conferences held on 6 February 1941, concerning the Auschwitz-Buna-project, or the fourth Buna plant. You testified that at that time, namely, 6 February 1941, you didn't even know that there was a concentration camp Auschwitz. We assume that you have also studied our Exhibits 1410, 1411, and 1412, appearing just before the two exhibits which are your file notes, and if you will look merely at the index of those documents, which I think fairly well represents some of the points of their contents, I will ask you a simple question. Did Dr. Ambrose, did any representative of the Hoechem, did any of the people who made those reports which took place before 6 February 1941, either furnish you any copies of those reports or told you about the contents of those reports before 6 February 1941, when you finally went to Krauch, and the HHI, in order to make the final decision, or did you go to those final conferences without knowing about those reports?

THE PRESIDENT: Counsel, if that is a simple question, don't ask a complicated one, please. You have put a dozen questions in that. Now, we have no objection to that if the witness can follow it, if he thinks he knows what you want to know; in fact, to ask a question of that kind usually calls for complications, and the witness goes off on one angle and then you want to get him back. Dr. ter Meer, do you understand what he wants to know?

THE WITNESS: Yes, I think so.

THE PRESIDENT: You may answer.

A. I can't answer that question. Naturally, I have read these two documents which are in your book, and as far as I was able to study the documents, so far as I was able to study the distribution list and the addresses to which they were sent, I found that they apparently were not sent to me.

Naturally, it is possible that Dr. Ambros discussed these two travel reports with me; whether he at that time mentioned the presence of the concentration camp at Auschwitz or whether he did not, I really, unfortunately, cannot tell you. I yesterday pointed out very clearly, during my examination, that from my two memoranda of the 6th of February, which I dictated personally, and which I have written at some great length, it becomes quite clear that during these two discussions of which one of them was designed for the determination of the concentration place that Auschwitz for Buna and the matter of the use of concentration camp inmates was not touched upon at all, although a question with respect to procurement of labor did come up in both of these discussions, to-wit, the population questions with respect to the settlement of the German workers, --

Q. Now, Dr. ter Meer, I am not asking you to repeat your conversation of your testimony of yesterday. That would not be helpful either to the Court or to us in bringing this matter to any clarity whatsoever, but my question, though long, and though the President disagrees, I thought could be answered simply because I merely asked you if you had knowledge of the contents of those exhibits, namely, 1410, 1411 and 1412, before February 1941 or not.

THE PRESIDENT: That is a simple question and if that is what you want to know I think he has put it very clearly. You may answer that question if you can.

DR. TER MEER: Yes, your Honor, I replied to it, that I cannot say, hard as I may try, whether I have actually known of these documents, both of which were not addressed to me. I do not believe so,

and I really cannot say whether Dr. Ambros on the occasion of any conversations with him, told me anything about the contents of these documents.

With respect to the general question, the industrial significance of Auschwitz, he generally talked to me during that meeting, but I do not believe that the question of the concentration camp could have come up because if we had attached any significance to that question at that time, it would be contained in the reports of the discussion of the 6th of February.

BY MR. SPRECHER:

Q. Do you have any recollection that Dr. Ambros, or anyone else, told you before 6 February 1941, that there would have to be a migration out of Auschwitz of the people who had previously lived there, in order to make way for the specialists and the employees of Farben who would come?

A. Unfortunately, I cannot answer this question either.....

Q. Now you stated that the plans for a fourth Buna plant in Norway, were dropped because of a decision of the defendant Krauch. But may I ask you this: Didn't you and Dr. Ambros lay the foundation for that decision by telling Dr. Krauch that the best site in Norway was not as good as the Auschwitz site?

A. The plan to build a Buna factory at Norway was certainly not only discussed on the morning of the 6th of February; this thought has originated from Dr. Krauch's Bureau, Dr. Eckel, Dr. Ambros and for himself, and has been discussed a long time before, perhaps weeks or months before that.

The investigation of such a matter, especially in this particular instance cannot be done very quickly...

Q. Dr. ter Meer, I am really not asking you how long the investigation took, or who made it. I am merely asking you if Krauch,

as Exhibit 1414 shows, so far as I read that exhibit, did not make his decision then and there, on 6 February 1941, upon the basis of the information which you there gave to Krauch, namely you and the defendant Ambros. That is all my question really is.

A. I think that he decided by comparing the situation in Norway and the situation in Auschwitz; that he probably found out that under the circumstances as they prevailed at Auschwitz, that the Norwegian project was not longer interesting.

Q. And wasn't that the recommendation of you and Ambros at the time?

A. Dr. Ambros and I were always opposed to the Norwegian project; yes, that is true.

Q. Now is it not true that Farben agreed to build the Buna 4 at Auschwitz with its own funds and that Buna 4 was in no way whatsoever a Montan Plant? Is that true?

A. That is true, yes.

Q. Were you personally satisfied with the financial arrangements which was worked out before you agreed to build Buna 4 at Auschwitz?

A. You mean the result of the conference at the Reich Ministry of Economics?

Q. Yes.

A. The negotiations were then continued, and the Prosecution has submitted an exhibit in that respect.

Q. Doctor, I am fairly familiar with the exhibits; I am merely asking whether or not you were satisfied with the financial arrangements.

A. As it can be seen from my later letter, Exhibit 1421, the plan was then executed with certain supplementation, and that was no doubt satisfactory to us.

Q. Now in connection with your testimony that the presence

of the concentration camp was incidental in the selection of the site at Auschwitz, and your testimony concerning your Exhibit 237 in that regard, I like to ask you this: Isn't it true, Dr. ter Meer, that during the war period, when there was a critical shortage of labor in Germany, it is somewhat academic to speak of satisfactory industrial conditions unless you have discussed preliminarily the possibility of doing the actual construction by having a proper amount of skilled and unskilled workers available for the construction?

A. As a matter of course, it is necessary that the labor questions be considered, but if you compare these two points, that is, the general industrial prerequisites on the one hand and on the other hand the labor question, then you will find that water, terrain, calcium, electricity, fuel, could not be imported. However, you can bring workers there, and that is the difference.

Q. Now did you expect that German unskilled workers would be brought from Germany to do the unskilled work at Auschwitz?

A. No doubt we thought that the Germans whom we were going to settle there would predominantly be skilled workers, foremen, masters, etc.

Q. Your Exhibit 237, mentions this visit to what, we now agree, was Monowitz. You mentioned that you saw there Jewish skilled workers. What was it that made you think these workers were skilled laborers?

A. I really cannot describe that episode which is actually quite insignificant. I can only assume that at the time I saw a few people who, because of their appearance, looked Jewish, working on barracks. I really cannot explain it.

Q. I was directing my attention to the word, "skilled"; the "skilled laborers". Why did you think they were skilled laborers that were living in Monowitz?

A. Skilled labor, in the German usage of the language,

I would understand as an artisan, and if a man works with his hammer and also the saw, then I consider him as "skilled labor".

Q. From your visit in Auschwitz in 1941 were you generally of the impression after seeing the concentration camp inmates, -- and I am speaking of your visit on the construction site, -- were you generally of the impression that the high percentage of the workers were Jewish?

A. No.

Q. Did you ask anyone whether or not the people who were after all in the concentration camp, were there because they were Jewish, because they were political persecutees, because they were Poles, or what? Did you ask any questions as to why they were in the concentration camp?

A. I don't remember it. No.

Q. Did you at the time think that any of these Jewish workers you saw had committed any crime or did you think they were confined merely because they were persecutees under the Nazi policy with respect to the so-called inferior races?

A. I cannot reply to that question. As far as I remember the inmates of the concentration camp there were not predominantly German, but they were Germans from the German-Polish borderline territory; that I stated when you interrogated me, and that is what I still remember today.

Q. From your visit to the Auschwitz concentration camp proper, did you learn anything as to the places from which the concentration camp workers came, and as to whether or not large numbers of them were Jewish or not?

A. From the visit of the concentration camp I still remember, and that is what I always stated, in my affidavit, that the accompanying SS officer or whatever he was, told us that the inmates of the concentration camp were predominantly politically unreliable personalities who came from the borderline territory,

Upper Silesia and Poland. This was an explanation which seemed quite reasonable to me at the time because the border there became quite arbitrary by a plebiscite, and because both parts of the population had been mixing and I think that is exactly what I stated in my affidavit. It was not my impression, however, that a large percentage of these people were Jews. On the contrary.

Q. In a foreign country, a country occupied during war time by the Third Reich, did you have any reason at the time to believe that the Nazis and the SS men there were treating members of a so-called inferior race, the Jews, better than the Nazis had treated the Jews and the members of the active opposition in Germany?

A. I am sorry, I do not think I can answer that question. I have no material at my disposal to give you any information about it.

Q. At least by the end of 1940 were you not fully conscious of the official Germany policy of making Poland and Polish economy, including the Warthegau, entirely a subservient part of Germany economy?

A. The Warthegau was then incorporated in Germany. That is well known.

Q. I believe you once told me that after the occupation of Poland, you were told that the Poles had nothing to subsist on and that therefore, -- is that right?

A. That is right.

Q. And therefore it was better for them, or that it was reported to you that it was better for them to be brought to Germany, or to work in the Warthegau which was then a part of Germany -- according to Decree at any rate. Did you at the time feel deeply ashamed of the official policy in Poland which did not give subsistence to Poles, or not?

A. I believe that the form in which you pose that question is wrong. It is known that Germany herself, when the war broke out had no longer any enough food for the subsistence of her own people. It is generally known that Germany could only feed 85 per cent of her people; where her high grade foodstuffs, like fats, were even missing to a greater extent. Poland, is an a country which deals in agriculture and is known because of its large scale procurements of potatoes, therefore, in my opinion, it was not possible at all that Germany would feed this large population. Naturally they had to subsist from their own countries as they did it before, but it seems to me that as a result of the war events in Poland, the entire economic conditions, and I am now principally referring to industry, artisans, etc., brought out a great deal of unemployment, and that therefore the unfavorable conditions of life resulted in Poland for its population.

THE PRESIDENT: The Tribunal will rise for its recess.

(The Tribunal in recess until 1330 hours.)

(Afternoon Session)

THE MARSHAL: The Tribunal is again in session.

CROSS-EXAMINATION (continued)

DR. FRITZ TER HEER

BY MR. SPEECHER:

Q. One last question, Dr. Ter Heer, on Auschwitz. When you made your tour of the concentration camp proper, in October, 1941, were you shown, as a point of interest, the crematorium?

A. During the inspection of the concentration camp in 1941, I saw from the main road leading from the entrance into the camp, a curious small, rounded hut-like structure, and since it looked very peculiar, I asked what it was. I was told that it served the purpose of cremating corpses in the case of deaths that had arisen.

Q. Just one question at the moment, on the Economic Group Chemical Industry, with respect to the Labor Department. You testified that this Labor Department, upon request of the Chemical Plants in Germany, issued priorities on labor which were passed on to the local labor offices. Is it correct that the Labor Department of the Economic Group Chemical Industry did that for the regular chemical plants, but did not do that for the so-called GB Chem Plants, plants which were handled by the Krauch office? Is that a proper explanation?

A. Yes, that is correct.

Q. You personally were in France during the war, many times before September, 1943, and after September, 1943, you were regularly in Italy with some few exceptions. You were in France and Italy, the activities, to any extent whatsoever, of the Labor representative of the Krauch office?

A. I believe that in France I hardly know anything about the activities of the gentleman recruited in France from the Krauch office. At the time, during my interrogation, I stated that I possibly might have seen Herr Kirchner in Paris, but that I did not remember it



distinctly. In Italy I also did not observe the work of Herr Kirchner and the other people, Deichmann and Eckert, in detail, because I rejected to work with them, and to support them. But I saw Herr Kirchner several times in Italy and I talked to his successor now and again because they had both telephone contact with Berlin, and I sometimes sent reports home through them, but I did not concern myself with their work.

Q. Now do you know of any case where Kirchner, when you just mentioned, along with Deichmann, who is familiar to us by this time, were engaged in activities to your knowledge, that had to do with the compulsory recruitment of Italian workers?

A. I cannot tell you anything definite about this, because I did not observe their activity in detail. It is doubtful whether one can speak of any compulsory recruitment or engagement of these people, for in Italy there were clear arrangements existing between the German and the Italian governments.

I know, for instance, that those people who had been selected for transfer to Germany, received their notification cards from the Italian labor offices, to be examined physically by doctors, and that they also received orders from the Italian labor offices to take a train to Germany if they passed their examination. I cannot, therefore, judge whether one can speak of a compulsory recruitment of workers in Italy.

Q. Well, for the purposes of my question, it won't be necessary to consider who gave the final order, or pushed the final button, but I am talking about whether or not, to your knowledge, Colonel Kirchner and Deichmann, participated in the recruitment of people who did not want to go to Germany; whether or not the Italian Government was cooperating or not, is beside the point. Did Kirchner or Deichmann have anything to do with the measures which led to the transfer of Italians, against their will, to Germany?

A. If this transfer of people from Italy to Germany was a forced measure, then these people worked on a lower level, together with the Italian labor offices but I have the impression that the directives

coming from the top, - I told you about the visit of Sauckel, and the lecture which Sauckel gave, -- I had the impression that Sauckel did think of compulsory measures.

Q. Before Sauckel gave his talk didn't you know that Kirchner was interested in securing a special decree, a compulsory decree, forcing Italian workers to go to Germany to work in the chemical industry?

A. Of such a decree I do not know.

Q. You do not recall --

DR. BERNDT: May I ask that the witness should answer only after the translation has been finished, for I can otherwise not follow the examination, because frequently the witness has already answered before the translation is finished.

MR. SPRECHER: Dr. ter Meer I know the problem, since you are listening in English. Would you please wait until the translation is through.

Thank you Dr. Berndt.

Q. In that connection do you now recall that Ambros, at the time, was very interested in getting Italian workers for Auschwitz, and that you reported concerning this matter of Kirchner's connection to this decree of which I am speaking, back to Frankfurt?

DR. HOFFMANN: One moment please, Mr. President, the Ambros case will be dealt with in a few days. I have not heard that Dr. ter Meer has made any statement about this question in his direct examination. If the Prosecution wants to deal with the Ambros case in the cross-examination of ter Meer, I object to such procedure.

THE PRESIDENT: Well, that objection will have to be overruled. We have said that when a defendant goes on the stand, he is on the stand for all purposes, and the field of inquiry which the Prosecution is entitled to pursue, is broader than that with respect to the cross-examination of an ordinary witness. Dr. Ambros will be afforded an opportunity to meet anything that is developed in the course of this examination, but the objection is not well taken.

BY MR. SPRECHER:

Q. Do you recall the question, Doctor?

A. Yes, I do. I remember very well that at a certain time, I reported from Italy to Dr. Struss, about the impending measures regarding the transfer of Italian labor to Germany.

Q. Yes, that is what I was talking about. Now do you recall whether you actually sent to Mr. Struss, a copy of this compulsory decree that had special relevance to chemical workers?

A. I do not remember this any more.

Q. I will offer HI-14169 as Prosecution's Exhibit 1677, and Doctor ---

THE PRESIDENT: Is that in evidence or for identification?

MR. SPRECHER: That is to go in evidence, Your Honor. Now since I do not have any more English copies I would merely like to read one paragraph from this letter at the present time, and ask you a question. This letter is from your office in Italy, Milan, 7 March, 1944, to Struss, and the first heading is, "Procurement of Labor for Germany". This is before the Sauckel speech:

"This question is, of course, of immediate interest, and Herr Doctor Ambros particularly is asking for assistance for Auschwitz. I had promised the latter that I would find out as soon as I arrived here, how the matter stands, and that I would report about it. Unfortunately, I am not able to do this at the moment, since no final decision has yet been made about the recruitment of chemical workers. The Referent concerned, of the GBA, with a staff for armament and war production and Colonel Kirchner and Dr. Deichmann, are trying to issue a final decree about the compulsory recruitment of chemical workers during the course of this week.

As soon as the wording of this decree is definite I will see that you get a copy of it. I myself have up to today, not yet been able

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to contact the three persons mentioned about. Perhaps you would telephone Hurster and Ambros to give them this provisional information."

Now, my question is, do you remember finally sending the decree which was worked out?

A. No, I don't remember.

Q. Do you remember later communicating the nature of the provisions which were worked out, whether or not you sent the actual decree?

A. I can not tell you any more from my memory.

THE PRESIDENT: Gentlemen, I would admonish you both to go a little more slowly and let the translation catch up with us. We got a crossfire here between the English and the German.

BY MR. SPEECHER:

Q. Doctor, did you participate in decisions to close down certain chemical factories in Northern Italy and decisions to concentrate the chemical production in Northern Italy in other factories?

A. I can not answer this question with a short yes or no, because it needs to be elaborated on by you. It is quite a matter of course that in a country which has a scarcity of coal at a time when much coal was delivered from Germany, that in such a country not all plants can be working at full capacity. Thus, in the chemical department, from the upper Italian chemical plants, there were perhaps somewhat more than 100 plants on our list and we took care of these plants. Since these were so-called protected plants, "Schutzbetriebe", we did not permit any workers to be recruited. However, we did not concern ourselves with all the many hundreds of small chemical plants -- soap factories, perfume factories, pharmaceutical plants and paint plants -- and since they did not receive any coal allocation from us, in such cases, probably, these small plants were closed down in favor of the larger Italian plants.

Q. What cities in Northern Italy did you visit -- well, I won't say only Northern Italy. Northern and Central Italy -- while you were there.

A. I probably visited more larger cities in Northern Italy than

have any industrial enterprises, Turino, besides Milano, the industrial city near Venice, and then of course Genoa, and many others. In Central Italy I was in Florence and Livorno.

DR. BERNDT: Mr. President, may I point out one fact. According to the clear text of the indictment and according to statements made by the chief prosecutor in regard to this indictment, Dr. ter Meer is not charged with anything regarding his conduct in Italy. He is not indicted for his conduct in Italy. The countries for which he is charged are named, and Italy is not one of them.

THE PRESIDENT: In that connection, I think I owe it to counsel to say that when I ruled a little while ago that the witness was on the stand for all purposes and that the prosecution had a wider field of inquiry than in ordinary cross-examination, I perhaps should have put some limitations on the ruling, because it might be calculated to mislead the prosecution. We do not think, and I may say this was pointed out by one of my distinguished associates -- we do not think that there is an unlimited field of inquiry on the part of the prosecution under such circumstances, and it may be doubted whether or not the prosecution, under such circumstances is entitled to use this witness against a co-defendant, unless it might possibly relate to one narrow issue of the indictment, and that is the conspiracy charge. I should not like to make a final ruling with regard to that matter without an opportunity of consulting with my associates, but I suggest it because perhaps the prosecution may have a view that is not too far afield and perhaps there is no controversy and nothing may arise along that line. Now, just would you mind stating, Mr. Prosecutor, the purposes of your present inquiry and perhaps we can narrow the problem down a little bit and save time.

MR. BRECHER: The prior question which I presume Dr. Berndt is talking about has to do with relations, as the letter itself showed, between Wurster and ter Meer and the TEA Office, Dr. Struss, concerning the bringing of people who were not free laborers, who were unfree laborers, to a Farben plant and every one of them is involved. It's

no question of collateral issue or anything else.

THE PRESIDENT: I think it's enough to say now that it was developed by counsel for the defendant ter Meer that he spent some time in Italy from a certain date on until a certain other date. There was some showing about what his activities were. That undoubtedly is true, and that would entitle the prosecution, if it wishes, to go into further detail with reference to his activities, and the only question, the last question that was propounded to the witness, was just what cities he visited in connection with his duties there. Now, that would not infringe on any doubtful rule so far as this examination is concerned. Certainly the prosecution is entitled to that information after it has been shown that the defendant did perform duties in Italy for some considerable time. So the objection is overruled. There is no question now before the Tribunal.

MR. SPRECHER: I am only waiting, Your Honor, for the translation to come through for Dr. Berndt.

BY MR. SPRECHER:

Q. Did you visit Rome?

A. I was not in Rome.

Q. At the time that you were in Italy did you see, hear, or read about the influx of thousands of Jews from Northern and Eastern Europe into Northern Italy -- Jews who were attempting to escape from the Hitler and Nazi racial policies?

A. No, I do not know of this.

Q. At any time when you were in Italy, did you read or hear about the position taken by the Holy See or the Vatican newspapers with respect to the German program in Poland and the treatment of the Jews?

A. I don't remember anything about that either.

Q. Now that will be all the questions I have on Count 3, Dr. ter Meer. Now coming to Count 2, the facts of which, as you know, are also alleged under Count 1. With respect to the Aussig plant of the Prager Verein and the conduct in September 1938 in connection therewith, I have a question or two. Our Exhibit 1044, NI 3721, Document Book 51, English
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page 116, indicates that the defendant Kuehne wrote you and the defendant von Schnitzler on 23 September 1938, that is seven days before the Munich agreement. I will show you a photostat, since you possibly don't have your book. Kuehne states there that you and the defendant von Schnitzler had already suggested the defendants Wurster and Kugler as commissars and Kuehne then mentions a commission "appointed by us for the Aussig affairs." Now, was that commission of which Kuehne spoke a commission or committee which had been appointed by the Vorstand of I.G. Farben to work on the Aussig matter?

A. I regret that I have to say that at such an early time I don't remember anything about such a commission. I think that after the agreements had been reached with the Aussig Verein that in conformity with the chemical plant Von Heyden that took over the Aussig and Falkenau factories, we then had some sort of a commission.

Q. But you don't remember a commission such as mentioned by Kuehne at the present time?

A. No, I do not.

Q. Before Munich, did you personally participate in any of these negotiations concerning the acquisition of Aussig-Falkenau in the event that Hitler did get the Sudetenland as he was demanding at the time? Did you personally participate in these conferences or not?

A. I cannot tell you the exact dates, but from the letter it can be seen that the two commissars had been appointed and therefore I can tell you that I was consulted since I had suggested Mr. Hurster for the appointment of the commissar for the technical part --- that I did myself. I did suggest him.

Q. Now, do you remember that representatives of the Dresdner Bank, particularly Dr. Zinsser, participated in negotiations just before or just after Munich at which you were present?

A. From my own recollection I can not tell you whether this meeting took place a few days before or after. I cannot separate that any more. But I do remember Mr. Zinsser to have participated in such meetings. As far as I know, my first contact with Mr. Zinsser took place in Berlin during the large conference with Von Heyden, where Farben and Von Heyden agreed to take over fifty percent each, but I do not remember the date of this meeting.

Q. Did you either hear from Zinsser or from some Farben representative who talked about what Zinsser said, that the Prager Verein was completely and utterly unwilling to part with participations in Aussig Falkenau and to exchange them against cash? Naturally I refer to the time before the final agreement when they did, for one reason or another, make a certain decision. I refer to the earlier period when this had first been suggested to them and Zinsser was reporting his connections to the matter.

A. I do not remember this specific remark of Mr. Zinsser.

Q. Were you informed at the time that the Prager Verein was informed that Germany did not want her to sell her participations to any third party whatsoever because only Germans were to hold any financial participations in plants in the Sudetenland?

A. I cannot remember that either.

Q. Now, referring to this big meeting in Berlin that you just mentioned. At that big meeting, in addition to yourself, were the defendants Schnitzler, Ilgner, Schmitz, as well as several other Farben officials, present?

A. I remember distinctly, Herr von Schnitzler and Herr Ilgner, but during this evening session with the chemical factory of Von Heyden, Mr. Schmitz was not present.

Q. Well, now, what about the meeting with the representatives of the Czech owners of Prager Verein. That was a meeting of more than a dozen or fifteen people, was it not?

A. I did not participate in that meeting. Perhaps you will look it up, but I think it's not correct. I only participated in this one meeting with Von Heyden in the negotiations leading to the purchase.

Q. No, I can tell you that I had no proof that you participated in that meeting. I was merely trying to find out. Now, we come to Poland. As the chief of Sparte II were you personally in favor of having Farben acquire title to the Boruta plant in Poland?

A. I believe that at the beginning none of us had the intention of acquiring title to the Polish plants. The idea was held, to keep the plants operating since they gave us an opportunity of shifting around if we had any losses in the western plants, and later on, the idea predominated that we did not want to have these fall into the hands of competitors or some other unpleasant people. These things, of course, changed somewhat in the course of years, and the motive in 1940 perhaps may not have applied any more in 1943.

Q. Now, do you recall that you called Trustee Schoener, Dr. Schoener, from Poland to Frankfurt in the Spring of 1940 in order to

discuss with him technical matters concerning Boruta?

A. I consulted Mr. Schoener at various times in Frankfurt about technical affairs and it's possible that I called him -- yes.

Q. Now, when the details of the proposed lease, which actually was never signed because title was required, -- but when the details of the proposed lease were discussed, did you participate in the discussions with the Farben directors who were concerned in the matter?

A. These affairs were discussed in the dye-stuffs committee at the time, and since I participated in most meetings of the dye-stuffs committee I was probably informed about the negotiations in detail.

Q. In the early part of 1941 did you and the defendant von Schnitzler make a personal report to Dr. Max Linkler, the head of the HTO, concerning Farben's plans for the Boruta Plant?

A. Yes, I remember this meeting very well. That was at the time when the lease was no longer under discussion, when, at the request of the Main Trusteeship Agency East (H.T.O.), we had to consider purchase and at that time Herr Von Schnitzler wanted to hear from me, as the man responsible for the technical end, whether we were ready to invest certain funds in the plant or whether we should close down the plant and at that time I went to Berlin and participated in the conversation. I remember that very well.

Q. The prior letter which Dr. von Schnitzler wrote to Dr. Linkler suggesting that conversation is in evidence as Exhibit 1859, which we introduced during the cross-examination of Schwab. Do you remember that Dr. Von Schnitzler discussed the contents of that letter with you before he sent it to Linkler?

A. I cannot answer that question with a positive yes, but I assume that he discussed it, if we went to a meeting together. We certainly discussed beforehand what was going to be talked about.

Q. Now, in connection with the activities of Eckert, a member of the Dye-stuffs Committee of Farben, who handled at least some of the

negotiations for the acquisition of Boruta, did you and Dr. von Schnitzler generally give instructions to Eckert in that connection?

A. I seem to recollect that Mr. Eckert made such a statement, either in an affidavit or as a witness here. I understand that to mean that Mr. Eckert intends to say that those things were discussed in the Dye-Stuffs Committee, for that is all he can mean, since otherwise he was not my subordinate except in the business field, but in the Dye-stuffs Committee Mr. von Schnitzler and I were together, and I can only imagine that he mentions these two names and that he says that he was executing things that had been decided upon in the Dye-Stuffs Committee.

Q. Did you sign letters to the German government authorities applying for a license to acquire the site of the chemical works Boruta?

A. I can not answer that question by saying yes or no. You have to submit the documents to me. I don't know it.

Q. All right. Document NI 6945 will be marked in evidence as Prosecution's Exhibit 1878. When you are ready, Doctor, you may make your answer.

A. Yes, these two letters are signed by me according to the photostatic copy.

Q. Now, I will show you NI 6632 which will become Prosecution Exhibit 1879, in order to save time. You also did sign the agreement under which the French group, the French Dye-stuffs group, sold to Farben its fifty percent share in Winnica, did you not?

A. As far as I remember this is the document offered by the prosecution in the Poland Book -- one of the two Poland books -- which deals with a discussion in July 1941 in Paris, where I presided because Mr. von Schnitzler was sick, and I probably signed the record of that meeting, yes.

Q. Will you please look at the document. I mean the copy of the photostat which was just passed to you.

A. Yes, it is contained in this document as well. It's the same document that is in the book.

Q. Now, just so that things are clear, is it true that you, Schnitzler and Laibel, being a deceased Vorstand member, became members of the supervisory board or Aufsichtsrat of Winnica?

A. I saw that in a list or some document. It seems to be so, but I do not remember it definitely, but it is likely.

Q. Now, I will show you NI 6939 and perhaps we can make this clear. That will become Prosecution Exhibit 1880.

THE PRESIDENT: Gentlemen, I am advised that there is some trouble with reference to electric power and it's necessary for us to take about a five minute recess. The Marshal will advise the Court when the condition has been remedied. We will rise temporarily.

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: Our mechanical problems have been remedied, and you may continue, Mr. Sprecher.

BY MR. SPECHER:

Q. In your Document Book 3, Dr. Fer Heer, at page 52, there is an affidavit of Dr. Matzdorf's concerning the modernization of Boruta —

DR. BERNDT: This affidavit has not yet been offered.

Q. I can cover the same ground without mentioning the document I withdrew the question.

At the time you visited Poland in 1942 and visited the Boruta plant, is it not correct that at that time the Boruta plant had become the property of a newly created corporation owned by Farben, namely the new Teerfarbenwerke, Skieretz, which was incorporated in February, 1942?

A. Yes.

Q. Now, later Skieretz was renamed by the Germans "Litzmannstadt", (L-i-t-z-m-a-n-n-s-t-a-d-t), is that correct?

A. Lodz was renamed Litzmannstadt.

Q. That is right; I am sorry. Now, is it true that a certain modernization of the Boruta plant took place after Farben acquired title to it?

A. Yes, certainly; one can even call that a considerable modernization.

Q. Now, was that modernization done at a time when in Farben documents as well as in the decrees of the day, Poland was referred to as "the former Polish state"....and the site of the Skieretz Boruta plant was within Germany proper?

A. Yes, that must be the case.

Q. Now, at the time this modernization took place, were you aware that Farben had reported to the RTO—that is, to Winkler—that the racial German element was playing a steadily increasing role in Boruta?

A. I did not understand your question.

Q. I will repeat it, Doctor, certainly. At the time that this modernization of which you have spoken, took place, were you aware that

Farben had already reported to the ETO—that is, to "Inklér's office"—that the racial German element in Skieritz, or at Boruta, was playing a steadily increasing role in Boruta matters?

A. I cannot remember from those times, but I believe that Mr. Schwab was asked a similar question during his examination here.

Q. In order to save time I have only one or two questions on the Russian matters under Count 2 and Count 1, with respect to Spoliation.

Do you recall that the Farben Vorstand itself, just after the invasion of Russia, referred to Russia as "the former Soviet Union"?

A. I am sorry to say that I cannot answer that question either. I don't know; it is possible.

Q. Did you discuss with Dr. Ambros a model contract for the so-called eastern corporations which was to be used not only for Buna in the Soviet Union but also for other chemical products?

A. As far as I know, one or two model contracts were worked out for the so-called trusteeship contracts which were to be used in the East for the various groups of chemical enterprises, and one of these model contracts undoubtedly was the basis of the draft of the contract which was to be employed for the "Synthese Kautschuk Ost, G.m.b.H."

During the interrogation which either you or Mr. Newman conducted with about this point, I talked about the fact that I had worked out this contract with Dr. Ambros, but I believe that that was a mistake. As I learned subsequently, these negotiations took place principally with Dr. Heintzeler, but that does not change matters any. I remember that we talked about these contract drafts with various gentlemen and that suggestions were made about changes therein.

Q. Well, now, is there any question about the fact that you wanted it clearly understood that in connection with Buna in the Soviet Union, if anyone was to get title to the Russian Buna plants it was to be I.G. Farben? In other words, you wanted a preemptive right to purchase Russian Buna plants in case they were at any time to be sold, is that right?

A. I can answer your second question by saying yes. I would not have answered your first question with a yes, since this option clause was nothing but a protective clause for Farben for the case that we might be forced to transfer know-how into a Russian Buna plant from our German Buna plants, and for that case we wanted to be covered if any disposition was made about the plant at a later time. The best method to be able to safeguard one's say so with the authorities was to include an option into the contract.

Q. Now, I show you HI-8148, which will become Prosecution Exhibit 1881. This is an affidavit by you which has so far not been mentioned. Apart from this modification you just made with respect to the preliminary discussions on the model agreement concerning the East corporations, do you still believe that this affidavit sets forth matters fairly?

A. It is described the other way around here, as though the model contracts for the "Synthese Kautschuk Ost Chemie" served as the example for other contracts.

Q. Did you find anything else, Doctor?

A. I only read this one paragraph about the model of this contract. Am I to read the rest as well?

THE PRESIDENT: The witness wishes to know, Mr. Prosecutor, whether you want him to answer as to the entire document or whether you wish to direct his attention to some particular statement in the document.

Q. May I draw your attention —

THE PRESIDENT: May I suggest that if you are concerned about the entire document why not let the question pass until three o'clock, and he can read it then during recess, and then he can answer it. Is that agreeable?

MR. SPEECHER: May I further suggest that if the defendant has any suggestions that he take the initiative at that time with respect to corrections?

BY MR. SPEECHER:

Q. Now, we come to France. Apart from the reports of the defendant Mann in the Vorstand itself, were you advised generally of the progress of the discussions in 1940 by the representatives of Farben with respect to Rhone Poulenc in France?

A. I cannot tell you anything at all about details of the contract with Rhone Poulenc in France. I know only what was discussed in Vorstand meetings. I do not remember at all negotiations at such an early time, in spring of 1940. I was in Paris for the first time after war broke out, in January 1941, and I do not know anything about discussions in Paris before that time. I just simply don't remember.

Q. Were the questions of the license agreements between Farben and Rhone Poulenc discussed on either the Sparten TEA meeting or Sparte 2, or in the TEA meetings proper?

A. I can't answer that question either because I don't know.

Q. In the course of your official business, did you receive copies of the so-called license agreement of 30 December 1940, between Farben and Rhone Poulenc?

A. I don't know.

Q. To refresh your recollection may I show you HI-6952, which will become Prosecution Exhibit 1882. Does that refresh your recollection?

A. Yes, my initials are on this document.

Q. Since that —

A. I merely should like to say that this is not specific information. This concerns the delivery of all contracts or all serious matters to me in my capacity as head of the Sparto. And it was my wont to give these contracts to Dr. Loehr for study purposes, since I could not look through them. I am not a lawyer. Then Dr. Loehr sent them to me. If there was nothing noticeable or to be remarked about, then he would say "no remarks", or "no comment". Then I would put my initials on it and not read it and that was all. And this is one such case. Dr. Loehr writes on this "No remarks, 13 March '41 Loehr" and then I put my initials on it, and probably never even read it.

Q. Now, you say you are not a lawyer, Dr. Ter Meer. Technically, I suppose, that is true, but you studied law for several years, did you not?

A. No, I registered for law one semester in a university but unfortunately I attended only two lectures during the semester. Then I studied chemistry.

Q. During your internship in your father's factory, didn't you study commercial, legal matters at his request?

A. If you confine the expression "Commercial, legal things" to mean cartel contracts, conventions, and perhaps a license agreement now and then — then you are right. I do know such contracts.

Q. Now, the Francolor convention is in evidence as Exhibit 1255, HI-6845, Document Book 58, English page 35, German page 41. Now, Article 11

forbids the French firms who are parties to the Francolor agreement to participate either directly or indirectly in the production or sale of dyestuffs products, apart of course from the arrangements of the convention.

Do you recall that the French firms wanted to be permitted to acquire financial participation in enterprises outside of France?

A. You mean that the French enterprises who participated in the Francolor convention wanted to acquire such participations in foreign firms?

Q. That is right.

A. I don't know what you have in mind. Would you perhaps point it out to me.

Q. Indeed. Is it not a fact that you personally intervened against the French request to be permitted to acquire financial participations outside of France?

A. Is that mentioned in the document?

Q. No, no, I haven't given you any document about that matter. I am just asking you the question.

A. I thought since you referred to this document, page 81...I must say quite frankly that I do not know what this question has to do with participation abroad was not even under discussion.

Q. Well, perhaps it will refresh your recollection if I show you Document NI-14175 which will become Prosecution Exhibit 1883. This is a letter from your then Paris representative, Attorney Loncie, to Mr. Kramer which is dated 14 July 1941. We shall show you the French original text and for your convenience and for the convenience of defense counsel, a German translation of the paragraph we have in mind has been prepared. Will you turn to page 3 of the French original copy, Dr. ter Meer. Is the M. Decugis, the representative of the French parties there?

A. Yes, I believe that M. Decugis was the representative of the French group, but I don't recall that.

Q. Now, I would like to read the appropriate entry there concerning Art. 11 of the Francolor Convention which was under discussion in this letter where Decugis requested that after the words "not to favor such an enterprise in any way whatsoever" the following provision should be inserted, "However, this undertaking does not restrict the liberty of the French contracting corporation to invest capital in the enterprises having their activities abroad." Now, my question is rather simple. Isn't the "nein", "no", which is written in the margin just to the left in your handwriting?

A. Yes, Undoubtedly that's so.

Q. Now, the Francolor Convention was dated 18 November 1941. That's in evidence as Exhibit 1255. The Charter of Francolor which is Exhibit 1256 is dated 18 December 1941. Now, Dr. Kuepper testified here that the French representative or lawyers drew up many technical points of the Charter of Francolor. Now, may I ask you this; did not your deputy, Loehr, the Deputy Chief of the TEA Office, draw up a draft of the

Francolor Convention as early as April 1941?

A. Yes, Dr. Loehr undertook on my behalf to work on those particular clauses dealing with the transfer of know-how, patents, regulations dealing with these things.

Q. Didn't the provisions of his proposal go a good deal beyond know-how and patents?

A. I believe secrecy matters were also included, the obligations of certain employees to keep matters secret. He took the contract of Trafford Park as the model contract; the one we concluded with ICI, and he applied those clauses to a great extent to the Francolor agreement. I gave him that mission at the time.

Q. Now, I will show you NI-14176 which will become Prosecution Exhibit 1884 which is a memorandum of the TEA Office dated 25 April 1941. Please turn to Paragraph 5 on page 6 of this document. Now, isn't it true that the whole question of the restriction of the powers of the President of the French concern, Francolor, which was to be set up, is shown to have been decided so far as Farben was concerned, as early as 25 April 1941?

A. Yes, the draft of this contract apparently was worked out in the TEA office on 25 April. It bears a number of corrections and remarks of mine.

Q. Now, even before the Francolor Convention was signed, do you recall that in conferences within Farben you, yourself, referred to Francolor as a Farben subsidiary?

A. I don't remember that but it's possible that I made such a remark.

Q. Now, as to the technical assistance to be given to Francolor, which is mentioned in the various agreements, do you recall that you personally took the following position in an internal Farben conference of May 1941 and I quote? "We must be very cautious in framing the clause concerning the technical assistance and this applies to the whole field covered by the agreement. Farben will not enter into any binding obligation to render technical assistance but will rather reserve the right to

decide each case separately when, in the course of time, the Francolor plant has become completely separated from the parent companies in both technical and personal respects thus affording a guarantee that processes and experience in the possession of Francolor cannot be diverted to the parent companies, then this clause may be treated less rigorously." Do you recall that as being the product of your own mind and hand?

A. Yes, I consider that quite possible.

Q. I will show you MI-6957 which will become Prosecution Exhibit 1885. This is a protocol of a conference presided over by you in which your statement is recorded. Do you have any question about it now?

A. Yes, this needs some more explanation because the technical assistance for those products which are the main products of the Francolor contract are not concerned here but only those products which are not covered by the agreement. This discussion took place with the people from the chemicals department who wanted to know how this collaboration was to be conducted outside of the dyestuffs field with the Francolor and the other French firms. I remember this conference very well. I believe I explained it to the gentlemen very explicitly.

Q. Doctor, look at the part that I quoted to you a minute ago where it says in the first line "and this applies to the whole field covered by this agreement."

A. Yes, that's right but, nevertheless, what I just said is also correct, viz the fact that this conference in particular dealt with those fields outside of the dyestuffs field. Moreover the preliminary discussion in May is not important but what is important, is what was actually included in the contract later. Furthermore, it would have to be considered what we actually did after the contract was concluded in regard to transfer of know-how and patent rights.

Q. Now, with respect to Exhibit 2157, Document Book 50, English Page 123, German Page 124, an affidavit of your own. You state there that according to your recollection the Germany Military Government as well as the Ministry of Economics gave every support to I.G. Farben. Now,

did the idea originate with you or did it originate with the military authorities that efforts should be made in France by the Military authorities and the German government authorities to make the resumption of production impossible for the French dyestuff industries until they gave in to the Farben demand in connection with Francolor? With whom did that idea originate?

A. To the best of my knowledge, the French dyestuff industry, Kuhlmann, St. Denis, whatever their name is, never closed down the production of dyestuffs, so that at no time could we have talked about resumption of production in those closed-down plants. As far as I know they kept on working. Of course, after the war broke out and especially after the collapse of France, they were not able to work so intensively as before, but I do not believe they were ever completely closed down. However, before January 1941, the time when I was in Paris for the first time, I am not so well informed or I do not remember it so well any more.

Q. Well, suppose I reframe my question. Did the initiative come from Farben to see that there was no intensification or increase of whatever dyestuffs or chemical production the French dyestuffs plants were getting on with, during the time of the Francolor discussions with Farben?

A. I assume that you have reference to a report offered by the Prosecution about the delivery of some intermediate products from northern France.

Q. I had reference to a little bit more than that as well, but you can take that as a point of departure. I am just saying now, where did that initiative come from?

A. If that was an initiative that had any practical results, then it would have originated with Farben.

Q. Now, did Dr. Kugler inform you that Farben was getting proper support from the military government in that connection: That is, in connection with keeping down, or restricting, or limiting the production of the dyestuffs factories in France until they came to terms?

A. I personally do not share the opinion that Farben at the time made any particular efforts or wanted to make any particular efforts to put any pressure on the French dyestuffs plants at the time in order to negotiate; conditions in France were bad enough already. I lived in northern France for several years and I know what it means for a firm to have its office north of Paris and if it is relying on the northern provinces of France for delivery of coal and raw material. I know this from descriptions of M. Frossard and also later meetings in Paris, that all traffic routes were very much disrupted at the time. The transport of coal had to come by water and the sluices and bridges were blown up and certain conditions had arisen that Farben had no influence on at all. I have the impression that these things are frequently misinterpreted by person who don't know conditions.

THE PRESIDENT: Counsel we will recess.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

BY: R. SPRECHER:

Q Dr ter Meer, after the recess you were going to make some reference to Prosecution's Exhibit No. 1881, and NI No. 8148, the affidavits concerning the Russian matter?

A After having been able to read this affidavit during recess at my leisure, I can state that my testimony with respect to that model contract was true. The affidavit was dictated at the time by Mr Newmann, and if the two sentences were considered properly and read properly, which are not laid down here correctly from the point of view of time, we see that it was not Professor Ambros and I who were the inventors of that model contract. Rather it reads that the model contract was not only to be the basis for the "Synthese Kautschuk Ost G.m.b.H.," but it was also a basis for other contracts. As far as I remember I discussed with Mr. Ambros the "Synthese Kautschuk Ost g.m.b.H. trustee contract, the model contract, and I have recommended such cartels to be incorporated into a contract which belonged into it from the justified viewpoint of IG Farben. As I said before, sofar as I know such model contracts were worked out by the Reich Ministry of Economics the Economics group, a Dr. Ungewitter, a representative of the industry, and I discussed that contract with Dr. Ambros, and I then extended it to include the "Synthese Kautschuk Ost G.m.b.H." This company by the way, has never been actually activated, but it is only theory.

Q I also understood the affidavit in the way you described it, insofar as you mentioned that you did have a trustee agreement from somebody else as a basis for working out a further trustee agreement which would be applicable in the chemical field in particular with respect to Buna. So with that statement I do not think that the court would be at all confused on either of our positions on that point.

A Thank you.

Q Now, do you have anything else to say?

A No, nothing at all.

Q I mean about this affidavit?

A No.

Q Thank you. Now coming back to the matter we were discussing just before the recess, my question was I thought rather simple, that is, whether or not Dr. Kugler advised you whether or not the military government had promised him to do its best in order not to allow the French to increase production until the Francolor terms as proposed by Farben were met?

A I don't remember it at all.

Q Now, were you advised of any discussions which Kugler and other Farben directors held, with governmental agency other than Dr. Mechelle of Paris where Farben asked that the governmental agencies do not allocate further raw material to the French Dye stuff factories in the occupied zone?

A I believe that the document referring to that matter, which was submitted by the Prosecution, became known to me only when it came into evidence here. But I may be mistaken.

Q Now, I would like to read you for the purpose of attempting to refresh your recollection, a brief statement, and then I will ask you about it, and this has to do with something involving Kugler, I'll tell you that in advance. "IGs wish for tactical and material support is understood" That should be in quotes. "IGs wish for tactical and material support is understood. There is readiness to comply to see that within the scope of possibilities given in Paris that French production facilities at least are not improved, and that no alleviations are offered to production, which might weaken the opponents will to negotiate, and allow him to assume that work could go on for the time being, even without coming to terms with IG". Does that refresh your recollection?

A Yes, that reminds me of the letter which you introduced, but I don't remember these things having been discussed at the time.

Q Now do you recall any references to a conference with the Reichsbankrat Wenninger, and some other people in the military administration

in France, which was reported to you as follows: "Tactical and material support was promised here as well, and should be especially successful in this case, as through this channel too, the allocation of raw material for French Dyestuffs factories in the occupied zone can be decisively influenced." Before we were talking about the civil authorities, and now we are talking about the military authorities. Do you remember any such reports made to you?

A No, I don't remember.

Q I show you Document NI-14224, which will become Prosecution's Exhibit No. 1886 and the report by Kugler, which is directed, among others, to you, and defendant ter Meer, you will notice -- you and the defendant Schnitzler, I mean, as well as to the former Vorstand members, Dr Waibel and Dr. Kuepper, who has testified here. Does that refresh your recollection about your having received such reports concerning the tactics to be employed during this period of discussions with the French?

A It does not become clearly apparent from this document that I saw it. My name is mentioned on the attached page, and you will find an initial of only Schnitzler but not my initials, at the foot of the page it says: to be distributed, to the management department Dyestuff for circulation in the Inner Dy-stuffs Committee. I was not a member of the Inner Dyestuffs Committee, therefore, I am still in no position to tell you whether I was positively informed about these details, or not.

Q In view of your general recollection of the tactics that were employed, does that particular information shock you at the present time?

THE PRESIDENT: You don't need to answer that.

MR. SPRECHER: Then I have no further question on that topic, Mr. President. With respect to the negotiations, I come to the last topic concerning Francolor, which has to do principally with the production and technical assistance or technical interchange of information.

BY MR. SPRECHER:

Q Between the time of the Francolor agreement, and the time you went to Italy, in September 1943, did you concern yourself in any

substantial way with problems of production in the French dyestuffs factories, such as, the necessary raw materials, obtaining of equipment in order to carry on production, the labor supply, and finally, the types of products which the French Dyestuffs factories were to produce during the war?

A Yes, during one or the other meeting of the technical committee which was affiliated to the Francolor, I attended, and such questions were there discussed, namely, I appointed a number of the gentlemen in order to carry out this co-operation with the French Dyestuffs factories, for instance, Director Wenk from Leverkusen for the co-operation, in the Dyestuffs and intermediate field, and then Dr Hoyer from Tea, and later Dr Lochr was a member of the technical committee, and in addition, Dr Ambros and his associates, and Dr. Roehl attended these conferences. I know of all of this, and it all happened.

Q What other Vorstand members besides Dr Ambros, if any, paid any substantial attention to the nature of the products which were to be produced in the Francolor factories, after the Francolor agreement had been completed?

A I don't believe no one else from the technical members of the Vorstand.

Q Was the matter taken up in any of the sub-committees of the TEA?

A The question of co-operation in the Dyestuffs field was discussed during meetings of the Dyestuffs technical experts, who were then in Frankfurt. I remember having recently seen a memorandum about this. Apart from that this matter was probably discussed in different commissions, which after all were responsible for the handling of such matters.

Q Now, after the Francolor convention, did the Francolor firms produce principally dyestuffs, or did they produce principally chemicals, apart from what may be technically called dyestuffs?

A The Francolor factories were a little bit behind in regard to dyestuffs production. We, therefore, tried to give them additional orders in the fields which either in Germany, or in France were important for economics and also for military purposes.

Q. When you say they were behind in dyestuffs ---

A. Well, the figures of production were retrogressive -- they decreased.

Q. Yes, indeed, one of the reasons for the decrease was because you directed -- by that I don't mean you alone, personally, but you and Ambros, among others, directed that they should put their production in chemicals which were needed for German War production directly?

A. This is an erroneous conception. At first one must consider that Dr. Ambros and I, even in Francolor, had no authority to issue directives, but that these matters were voted on in technical commissions with Mr. Frossard and his associates. I know of no case where we exerted any pressure on the Frenchmen, or that we urged them to accept any production orders. On the other side one must also consider that dyestuffs production during the war not only decreased in Germany but also in France. It could not be executed to its full extent, because the dyestuffs production was not so important, but consumes important raw materials. If, therefore, one wanted to keep the factories of Francolor at work, one had to assign them such orders for production where raw materials, coal, etc., could be made available by the authorities. We were able to assist the Frenchmen considerable in this field. On various occasions we gave them benzole, and naphthaline from our German quota, and made these substances available to the French in order that they might increase their quota of production.

Q. On that we are most completely agreed with you, that is, helping the French --

THE PRESIDENT: Counsel should not argue with him.

MR. SPRECHER: I don't want to, Mr. President. All I want to do is to lay a foundation for my next question, in order to indicate to the witness clearly the area of the agreement I thought it was a fair remark.

THE PRESIDENT: Well, I think you had better just ask the question.

MR. SPRECHER: Thank you. Then let me ask you the following, since you raised the question about talking to Frossard.

BY MR. SPRECHER:

Q. Do you recall before the Francolor agreement was entered into that Kugler reported to you concerning Frossard as follows: "Not only did he think to a certain extent along German lines, because of his origin and education, but he was now facing the fact that Germany had won the war." Do you remember Kugler reporting that to you?

A. No, I don't remember that either.

Q. May I refresh your recollection by having you look at the last paragraph of Exhibit No. 1886, Document NI-2224, which we introduced just before the recess --

THE PRESIDENT: Wait a moment now.

MR. SPRECHER: 14224, I am sorry, I beg your pardon, Mr. President.

THE WITNESS: Where is the passage to which you just referred?

BY MR. SPRECHER:

Q. That is on page 7 of the original, just before Kugler signed it.

A. Yes, I have found the passage. That is the same exhibit which we discussed before. About which I said before that I possibly received it because it was to be circulated to my department, but where also I said that my name was not mentioned on the distribution list. It was initialed by Mr. Schnitzler but not initialed by me. I must tell you quite honestly I don't know of any such small details, of statements made at that time; any such remarks by Mr. Frossard were not very important.

Q. Dr. ter Meer, when you look at the original, you see your

name personally on the distribution list, although this copy we have here bears only the initial of Schnitzler, and that this was taken from Schnitzler's file?

A. But on the last page you have the distribution list. I read it before, and this distribution list does not mention me. I may have read it but how can I to remember today anything of any such remark about Mr. Foscard's feeling.

Q. Now, roughly speaking, what percentage of production in Francolor firms, after you gave them these orders, was calculated to assist the maintenance of the French domestic economy during the war?

A. I can not reply to this, because I have not prepared my questions in reference to Count II in detail. I have some figures about that, but I don't think this is proper cross examination for me to look for my files here.

Q Can you give us any estimates from your own memory of the time, if you thought about the matter at the time, with respect to what percentage was left over for French domestic consumption?

A No, I cannot do that.

Q Is it true that the principal revisions in the plant and equipment of the Francolor firms, during the first two years after the Francolor Convention was signed, were accomplished, so that Farben could pass production to the Francolor firm, and thereby use the German skilled workers to work on Buna production, synthetic oil and other products, which required a high degree of mechanization?

A I believe that these standards of comparison are not correct. Certain quantities of dyestuffs production and certain intermediates production were transferred to Francolor. I do not believe, however, that the number of workers released through that procedure in Germany is so large that it had any influence on Buna production. It may have played some part in one or the other plants at some time, but I believe that this comparison between Buna production and the activity of Francolor is not quite correct.

Q Do you recall that Farben talked to the authorities both in Germany and in France about this transfer of production from Farben plants in Germany to the Francolor plants, and that you received the reports on the results of those meetings in which it was stated that the indirect needs of the Army could better be served if that transfer of production was made?

A There is no doubt about that. There is no doubt about that, counsel. There is no doubt that we tried to transfer as many dyestuffs and intermediated production to France as Francolor could cope with. That would have been the reasonable thing to do. In France there was labor there was production facilities, and we had particular scarcities of labor here in Germany, but you were putting the question in connection with the Buna plant, and I said that the parallel did not seem to be right.

THE PRESIDENT: May I interrupt you to read a note to you? "Your

Honor, will you please instruct the defendant to make a pause after the question so that the German translation can catch up?" That speaks for itself. Please bear that in mind. I realize that under the spur of answering a question that has been asked, you are tempted to go too rapidly, but it is really a problem here.

DR TER MEER: Sorry, Mr. President.

BY MR. SPRECHER:

Q Do you recall whether any of Farben's orders for the supply of the SS were transferred to the French dyestuffs concern?

A I don't know that.

Q Do you remember that according to a plan which Farben worked out, and to which the Reich agencies agreed, the following report was made, or a report like this in substance:

"The entire personnel of the Francolor plants which amounts to 3500 employees and workers, will be engaged in manufacturing for Germany."

A I really can't say. If you would put the document before me, I could define my attitude towards it.

Q Dr. ter Meer, I show you NI-4845, which will become Prosecution's Exhibit 1887. This has not been previously introduced but you will find it in Document Book 58, English page 8, German page 196. Mention is made there in connection with Francolor. That is an excerpt from the enlarged Farben committee of the 20th of November, 1942. Mention is made there of the Kehrl-Schieber Plan, and that Francolor products will be turned to the account for manufacturers for that plant. Just so we have the record straight, was Kehrl the head of the Planning Office of the Central Planning Board?

A That was the Chief of the so-called Raw Materials Office. Do you mean the Central Planning Board by that?

Q Yes.

A That was--

Q Was that a different Kahrl?

(Laughter)

A No, no, that's the same Kehrl, but Kehrl was not the Chief of the Central Planning Board.

MR. SPRECHER: What is funny about that, Your Honor, I am afraid you will have to know a little German. Kerl means fellow in German, as well.

Q Now the Schieber that is mentioned, is the Schrieber that was— (Laughter) Schieber means "black markateer" in German. Now the Schieber that is mentioned, is the Schieber who testified here; is that right?

A Yes, that's right.

MR. SPRECHER: That humor was unintentional, Your Honor. I am sorry.

Q Now, Dr. ter Meer, you are aware that the Prosecution has alleged that the acts and conduct set forth under Count II of the Indictment, concerning alleged spoliation are also incorporated as acts and conduct Count I, and that on the theory that they were directly related to the carrying on or waging of wars of aggression, among other things. Now I want to ask you a factual question. I have made that statement so that you are fully advised of my purpose, and there is absolutely no surprise in this question of fact. In view of the statements you have just made, with respect to Francolor production during the war, is it not a completely fair statement to say that this production program in France, and as it was carried out in France, was directly and unequivocally related and integrated with Germany's war production program?

A Yes.

Q Dr. ter Meer, I have one last document to show you, and that happens to be the outside of your personal folder found in Frankfurt, concerning Francolor. It is entitled, "France, 1940-41. German-French Dyestuffs Discussion". Under this heading on the outside of the folder there appears a little extract from a poem, or a ditty of some kind. The words are, in the German, "Dem im wald da sind die Raeuber", which may be translated as follows: "For in the woods there are the robbers."

I ask you whether or not that is in your own handwriting?

A Yes, it is.

Q I have no further questions on that point.

THE PRESIDENT: You had better make your showing here now that that document, 14235 becomes your Exhibit 1888; is that correct?

MR. SPRECHER: Yes, Mr. President.

THE PRESIDENT: Does that conclude your cross-examination?

MR. SPRECHER: Mr. President, I have not come to the other materials on Count I at all. If you will recall I said I was going to—

THE PRESIDENT: I misunderstood you. You said you were through on that phase.

MR. SPRECHER: On that phase, indeed I am.

THE PRESIDENT: Before you leave that, Mr. Prosecutor, I think I had better clear with you, if you have your memorandum handy, with reference to these exhibits. As I have it, NI 12610—

MR. SPRECHER: Will you wait just a minute. I put my exhibits over on the side.

THE PRESIDENT: All right.

MR. SPRECHER: Yes, thank you.

THE PRESIDENT: NI 12610 is your Exhibit 1876 for identification only?

MR. SPRECHER: Yes.

THE PRESIDENT: Now all of the other documents marked from 1877 to 1888, you introduced as a part of your cross-examination.

MR. SPRECHER: Yes.

THE PRESIDENT: Now we have all of those exhibits except the first one, that I named which is 1877, NI 1469. I call that to your attention, — the fact that there has been no distribution to the Court of that document.

MR. SPRECHER: Thank you. That is one we did not get through in time, and there will be a complete distribution of all of these documents within the next several days to both Your Honors and all of the Defense counsel who have not so far received copies.

THE PRESIDENT: Very well.

DR. HOFFMANN, (for the defendant Ambros): Your Honor, I have

noticed that the Prosecution have not introduced into evidence here the first affidavit of Struss which they submitted, - I should like to ask the Prosecution to make a statement on that because I, on my part, intend to make an application as far as the document is in evidence, to call the affiant here as a witness.

MR. SPRECHER: If Dr. Hoffman would like to have that marked in now, and I take it his purpose is so that Dr. Struss could be cross-examined sooner with respect to that affidavit than if we did not introduce it. We will be glad to introduce it, but I would want to know the other Defense counsel were also in agreement.

THE PRESIDENT: Which document are you speaking about?

MR. SPRECHER: That is 1877 for identification.

THE PRESIDENT: Very well.

MR. SPRECHER: It is the affidavit of Dr. Struss which includes the interrogation.

THE PRESIDENT: Is there any objection on the part of Counsel for the other defendants to the record showing the introduction in evidence of Document NI 1449--

MR. SPRECHER: I am sorry, Mr. President. It is 1876.

THE PRESIDENT: I am sorry. Is there any objection on the part of counsel for any of the defendants to the Prosecution introducing in evidence at this time Document NI 12610, as the Prosecution's Exhibit 1876, in advance of its distribution, with the understanding, of course, that it will be processed and distributed in due course?

As I understand it, that will meet the request of Dr. Hoffman, your co-counsel? Then there is no objection and the Tribunal rules that the document just mentioned is in evidence, and the Prosecution has promised to see that there is proper distribution made.

DR. HOFFMANN: Your Honor, I now make the application that the witness Struss be called for cross-examination.

THE PRESIDENT: Well, that is a matter that does not call for any Court record. You may notify the prosecution that you wish to examine the author of the affidavit. We need not make any Court order here at this time with respect to that.

BY MR. SPEECHER:

Q. I have a very few questions, Dr. ter Meer, on what we might call your testimony concerning the corporate organization of I.G. Farben. Before the war approximately how long did the Vorstand meetings consume in terms of hours? You told us when, approximately, they met, and sometimes they met in the afternoon, but in terms of hours approximately what was the average before the war of the Vorstand meeting?

A. The Vorstand meetings, according to my best recollection, started at ten o'clock and mostly lasted until a very late lunch hour. You could say about four hours. Only in exceptional cases was the meeting resumed in the afternoon. Then only for one or two hours at the most.

Q. Now, after you and the defendant Schnitzler had made your reports respectively, was the balance of the time taken up principally by the commercial members or by the technical members of the Vorstand in making further reports?

A. I believe that one may well say that the predominant part of the rest of the program was taken up by the commercial members of the Vorstand, although that wasn't absolutely the rule. Sometimes we had longer reports in the Vorstand about technical matters, as for instance the question of coal mines or technical questions concerning the acquisition of a participation abroad. But since the gentlemen who were in charge of the sales combines often had to report about the results of their business and about the commercial questions which were connected therewith, I think it would be correct to say that the larger part of the agenda was consumed by the commercial people.

Q. Your answer brings another question concerning the sale of products which were ultimately intended for the army. Those were sold through the sales combine just like any other product, is that right?

A. That is true.

Q. You testified that the Vorstand, to a certain extent, resembled a collection of general directors of independent companies. Now, would it be a fair statement to say that you, the heads of the three or four sales combines, Von Knieriem, Schmitz, could be compared in any way to the general directors of independent companies?

A. Well, I would phrase it somewhat differently. When making the comparison with general directors of large companies I particularly thought of the heads of our large plants and the heads of our large sales combines. These large plants which employed about 20,000 or 30,000 workers were really large scale industrial enterprises, and the work of a sales combine probably can only be compared to a large scale export business. I am not now putting the emphasis on export itself but merely want to express that we are here concerned with a large scale commercial business. The gentlemen, on the other hand, who mostly had to deal with administration, probably do not fit very well this expression general director, because this type of person does not exist except in these large scale concerns.

Q. You testified that the defendant von Knieriem and the members of the TEA discussed contracts of a technical nature such as patent contracts. Did it ever occur that the TEA itself sanctioned or passed upon contracts entered into by the Vorstand representatives from one of the Sparten?

A. I didn't quite understand the sense of your question.

Q. I will hand you a document because I don't think I could make it clear. NI-14231. That will become prosecution exhibit 1889. That refers to nitrate of ammonia and is marked Secret as a very secret matter. To what does that refer?

A. That refers to the delivery of ammonia saltpeter (ammonium nitrate). Since this contract bears a stamp Secret and since that dates back to the year of 1939, we can assume that we are here concerned with a so-called war delivery contract about which I already spoke during my direct examination. I can't say that with certainty, but I assume so.

Q. Did these have to be approved by the TEA?

A. I don't believe that such contracts in general were approved by the TEA. As a matter of fact, that did not fall within the sphere of TEA's task. I really can't explain that. I would only like to point out that during my examination I already said that repeatedly even in the records of TEA the expression is used that the TEA "approves" something. That, of course, is always with the reservation of a subsequent approval by the Vorstand. In this case no doubt this is not meant. Since we are here concerned with a secret matter the contract was probably not even presented to the Vorstand. I really can not tell you why an approval of TEA is mentioned in the case of an apparently quite normal sales contract. The letter was written by Bureau Sparte I signed Mueller. Mueller usually does not participate in TEA's meetings. Without investigating the matter carefully I can not give you any explanation.

Q. Now, you testified a little bit about the Economic Group Chemical Industry and I have just one or two questions about that. You stated that the reorganization of that organization took place in 1941, and that you participated. Did you participate at the request of Schieber?

A. The reorganization of the Economic Groups, as far as I know, was handled by Mr. Kohrl. At any rate, the meetings which we held in the organizational committee for Chemical Industry, were presided over by Mr. Kohrl, whereas Schieber did not appear at all as far as I am informed.

Q. Now, after the reorganization had been accomplished you were the vice-president of the Praesidium of the Economic Chemical Industry.

A. That is right.

Q. Now, is it not true that the economic groups, which were called the self-administrative organizations of economy, were largely staffed with officials who were not particularly famous as Party leaders, but rather that they were staffed with economic leaders who had technical and economic ability, isn't that a fair statement?

A. Yes, one could say that generally, although one or the other person was there who had a very strong connection with important persons of the government, as for instance Mr. Duerr.

Q. Now, when this whole question of the organic structure of economy in Germany was worked out in 1934, isn't it true that the top leadership in the actual administration of the RWM was placed, at the request of Hitler, and I believe Goering, in the hands of persons who were, you might say, from the old school, and who knew economic matters, isn't that right?

A. At that time I had relatively little to do with organization, but I believe that that is true in the case of a big part of the Reich Ministry of Economics, because I knew some of the old officials, for instance Mr. Mulert, Mr. Hofmann. These were in the chemical department and these were old officials who were there from the time of the Weimar government.

Q. Is it not true that Goering was considered one of the high leaders who did not favor having too many inexperienced Nazi economists, I mean Nazi in the sense of leaders in the Party who were old Nazis -- having too many of these inexperienced Nazi economists in the actual administration of economy in Germany?

A. I really can't say anything about that. I don't know.

Q. Do you agree that Speer was such a person -- hold such a view?

A. Speer has always emphasized that thought particularly.

Q. Did Bucherfisch keep quiet in his discussions with you concerning his membership in the Himmler Circle and the SS or did you dis-

cuss that with him occasionally?

A. No, I have already testified that I learned of his membership in the so-called Himmler Circle through another gentleman. I don't know that since then I discussed the Himmler Circle with Mr. Buotefisch.

Q. Now, you gave us an example where Farben was able to avoid appointments to the Vorstand which Gauleiter Sprenger desired -- the case of Stein. Both you and the defendant Krach testified that Farben was able to prevent removals from the Vorstand which Gauleiter Sprenger desired. Given what you have said here concerning compulsion in the Third Reich, how was this possible unless the highest Party -- or the highest Reich officials were satisfied that the internal administration of Farben was more satisfactory to the Third Reich than if the local Gauleiter had his way in altering the administration of Farben?

A. The case of Mr. Stein is a relatively insignificant matter because the appointment of Mr. Stein as a member of the Vorstand view of his position as a legal member of the Chemical Sales Department would not have meant a big position, and that is why he actually was not appointed to the Vorstand by us. With respect to the question that Krauch was to eliminate three important members from the Vorstand according to Sprenger's desire, I think that Krauch would not have been able to maintain his own point of view if he had not known that, if necessary he could rely on Goering.

Q. Now, I come to a new topic. You testified on the 11th of February that even in your own Sparte 2 you were not permitted to learn everything. Can you give us several examples of important developments within Farben of which you only learned since 1945 by talking with your technical colleagues within Spart 2, and which you did not know of at the time?

A. After 1945? Well, I would have to think about that, but I have given you one instance, for example, the invention of the so-called chemical warfare agent Tabun, about which Professor Hoerlein could only talk to me after the outbreak of the war, because before that he was probably obligated to maintain secrecy. Unfortunately, since I was arrested in April, 1945, I am not in a position to give you any information and I have already said during my examination what development orders,

or assignments existed before the outbreak of the war. The reason why I could not be informed about these matters no doubt is that they had to be kept secret.

Q. Well, can you give us any other examples than the one you have mentioned now, which you have learned about not from files, even though you have been in Frankfurt with the Tribunal's permission, but from talking to the other Vorstand members who have been with you either in Franzberg or in Dachau or here? I mean things which you did not know about before you went to Italy in '43, or before the German collapse in '45. I mean important developments.

A. I am convinced that I hadn't learned of quite a lot of things, but what do you mean by "important developments"? Do you mean the developments with respect to investments; well, they were discussed in the TEA. Things which we did not learn were such matters where the experts concerned were obligated to maintain secrecy by the authorities. And there were quite a lot of such matters up to the outbreak of the war. I know, for instance, that Mr. Wamecke in Leverkusen, who worked on mobilization plans, could not discuss this matter with me, just as little as the gentlemen of the other plants could talk to me about these things.

Q. We will come to that in a minute in connection with the "Mob" plans. Do you know of any case where Farben did not comply with the secrecy instructions circulated by Vermittlungsstelle #7?

A. I don't believe that I understood that question, Mr. Sprecher.

(Question was repeated.)

A. I don't think that's a fair question. I don't know all the business procedures in such a huge concern as I.G. Farben was. I can't answer that.

Q. Well, perhaps there is a mistake. Naturally I meant only those directives which you knew about, and whether or not you know of any breaches of the secrecy which was directed in these directives.

I am not asking you for something that you didn't know about.

A. It did happen that gentlemen who were obligated to keep secrecy with respect to a certain sphere of their work would tell me about it in private, but I really couldn't give you any really specific example here.

Q. Now, Prosecution Exhibit 144 is a circular sent out by Vermittlungsstelle W in December '36 concerning "Instructions for maintenance of secrecy for processes, patents, and know-how for the chemical industry."

Now, I would like to read just one excerpt. That is in Book 6, page 46 of the English. There is a quotation: "Furthermore, a new method can be subject to secrecy if through it the self-sufficient military economic power of a possible enemy in case of war were considerably improved, that is, if an existing lack of raw material for the production of a war-important product in the country concerned is removed by the new method."

You knew about that instruction, did you not?

A. It is possible that I knew of it, but today of course it is impossible for me to tell you whether I knew at a certain time a certain part of this obligation to keep secrecy. Perhaps I read it and probably I handled it, but such questions are very difficult to answer if you consider the enormity of our business.

Q. Before 1936-- that would have been before the circular in question -- did the restrictions on the taking out of patents on processes resulting from research work done by I.G. on Wehrmacht orders, or together with the Wehrmacht -- did the restrictions prevailing before 1936 in that connection complicate Farben's patent problems to any considerable extent, so far as you know?

A. I cannot give you an accurate answer to that question.

Q. Were you personally aware of the regulations issued in 1937 concerning the maintenance of security in handling confidential matters with Farben's foreign representatives? That is Prosecution Exhibit

156, NI-1137, Document Book 6, English page 90.

You recall there were such general instructions?

A. Could I see the document?

Q. Do you have your own Book #6?

A. I don't have it here....Oh, it is in that book.

We have here a document referring to handling of confidential correspondence with foreign representatives. I am not sure whether I know of it at the time, because these matters were in the commercial sector.

Q. Did those regulations apply with respect to any technical matters which you might take up with foreign people, such as some of the gentlemen you mentioned in New York who were not merely commercial people certainly? Or may I put it this way: Were there similar instructions which affected you in your handling of matters with foreign representatives as a technical man?

A. I assume that at the time, because of these regulations concerning economic high treason, circulars were sent to the various plants. I think that the Vermittlungsstelle # once circulated such a letter. And either the Prosecution or the Ter Meer defense has submitted it.

Q. Now, our Prosecution Exhibit 158, NI-6382, Document Book 6, English page 104, refers to a meeting of the technical management at Hoechst on the 28th of November, 1938. That is just a few weeks after "Munich." It is indicated there that the appointment of foreigners in Farben plants has to be avoided at all costs.

Did this instruction, so far as you know, apply to other plants than Hoechst?

A. What page of the document are you referring to?

I see. Such regulations were also valid for other plants.

Q. Did you observe any reduction in the employment of skilled foreign "Angestellte", or white collar workers, in Farben plants after the personnel departments of Farben had been advised, as early as February, 1935, that the Abwehr was concerned about the continued employment of these people?

A. I don't believe that we employed many foreigners in the technical sector. This question was hardly acute in my field of work. The matter was probably very important for our sales departments. But I really don't think we had many foreigners in our factories. I really can't answer the question: I don't know.

DR. BOETTCHER: Your Honor, may I permit myself to put one question which will only keep the Tribunal for one moment? A few colleagues of mine have asked me to put a question to the Tribunal whether next Monday, which will be an American holiday as far as we know, there will be a session of the Tribunal.

THE PRESIDENT: I have both good and bad news for you in that connection, Dr. Boettcher. We will not be in session on next Monday because the American employees are entitled to a holiday that is recognized as a legal holiday. However, you may as well know now that the Tribunal is giving consideration to making that lost day up on the following Saturday.

Mr. Prosecutor, are you in position to estimate the length of time that it will require you and your associates to complete your cross-examination of this defendant?

MR. GERSCHLER: Mr. President, we think by the "pause" in the morning we ought to be fairly well through.

THE PRESIDENT: Very well. We were really anxious to know because there are some problems with reference to documents and that sort. You think then probably before noon tomorrow you will conclude your cross-examination?

MR. SPRECHER: I am quite sure before noon.

THE PRESIDENT: Very well. The Tribunal will rise until nine thirty tomorrow morning.

(The Tribunal recessed until 0930 hours, 18 February, 1948).

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OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NÜRNBERG

**CASE No. 6 TRIBUNAL VI
U.S. vs CARL KRAUCH et al
VOLUME 21**

TRANSCRIPTS
(English)

18-24 February 1948 pp. 7251-7604

OFFICIAL TRANSCRIPT OF MILITARY TRIBUNAL VI, CASE VI, IN
THE MATTER OF THE UNITED STATES OF AMERICA AGAINST KARL
KRAUCH ET AL, DEFENDANTS, SITTING AT NURNBERG, GERMANY,
ON 18 FEBRUARY 1948, 0930, JUSTICE SHAKE, PRESIDING.

THE MARSHAL: Persons in the Courtroom will please find their seats.
The Honorable, the Judges of Military Tribunal VI. Military Tribunal VI is
now in session. God save the United States of America and this Honorable
Tribunal.

There will be order in the Court.

THE PRESIDENT: Make your report, Mr. Marshal.

THE MARSHAL: May it please your Honor, the defendants Krauch, Haeffliger,
and Lautenschlaeger are absent from the Courtroom.

THE PRESIDENT: The defendants Krauch, Haeffliger, and Lautenschlaeger
have already been excused on their application. Are there any announcements
from the defendants? Anything from the Prosecution?

MR. SPRECHER: No, Mr. President.

THE PRESIDENT: The Prosecution may proceed with its cross examination.

FRITZ TER MEER (Continued)

CROSS EXAMINATION (Continued)

BY MR. SPRECHER:

Q. Dr. ter Meer, I would like to mark this photograph as the
Prosecution's next for identification, 1890 for identification. It's a
photograph that appears to be a picture of Hitler with you to his left; is
that correct?

A. This is a picture taken on the occasion of Hitler's visit at the
Berlin motor-car exhibition in February 1936 where I informed Hitler about
Farben's progress with Buna preparations, etc. I have testified on that.

Q. Now, yesterday we were talking about the employment of
foreigners underneath the regulations from 1938 on. I have one last
question in connection with secrecy at this time. Our Exhibit 143, Document
2726-PS, Document Book 6, page 45 English is a statement by Dr. Ley, the
leader of the German Labor Front as well as the Reich Organization leader
for all of the Party organizations. In preparation for my question I would
like to read you the first sentence to that statement. "During the years

from 1933 to 1939 everything necessary has been done in secrecy that seemed necessary to the conservation of the nation in the anticipated clash with an envious surrounding world." Now, when you, yourself, observed the constantly intensified secrecy surrounding so many of the projects of I. G. and the DAG before 1939 did you consider that most of the projects were sufficiently related to military matters so that from a military point of view it really was appropriate to keep these matters and these projects secret?

A. As far as these projects were of a military nature it seems to me to be natural that they were subject to secrecy. Quite generally I wish to say that these secrecy measures seem to be somewhat exaggerated and they probably seemed to us exaggerated at the time.

Q. Dr. ter Meer, did the TEA Office receive copies of all the applications for priority numbers from the new plants after the Four Year Plan was begun in October 1936? I refer to the so-called MGX or the so-called GS number?

A. I believe that the TEA Office did receive this material and that when the credit demands were made they were marked on the list, marked because as from that time the material acquisition depended upon the acquisition of the priority number.

Q. Now, I am marking NI-14230 as Prosecution Exhibit 1891. These are extracts from the TEA meeting of 27 February 1939 concerning this matter. Would you please look at that extract from Page 5 of the original. That's over under IV, "The General Credit Situation and Budget Plan." There's a paragraph there that starts out --

A. Yes, I found it.

Q. "Since the beginning of the Four Year Plan in October 1936 nearly 80% of the new plants of I. G. are operated under MGX or GS numbers." Would you tell the Tribunal what MGX and GS meant? Very briefly. I am sure they understand the priority situation generally but explain to them the difference between the two and briefly what they stood for.

A. I regret that I cannot explain to you the difference between these two code numbers because I don't know it but I think that both are priority numbers. Whether both or only one of them comes from the Reich Office I don't know. The fact that approximately 80% of the new installations of I. G. Farben were subject to such numbers in the year 1939 is explained because the Four Year Plan absorbed a number of projects of the I.G. Farben which for purely economic reasons would have been executed by us into the Plan and in order to acquire priority to get materials they had to be given such numbers.

Q. Now, would you look at the distribution list which runs Sparte I, Sparte II, and Sparte III, and under Sparte III there's the head "Group Powder and Explosives" and three gentlemen are listed whereas the only other gentleman listed is the defendant Gajewski. Was it customary with respect to the raw material allocation for DAG plants to see that the priorities on raw materials and raw material requests were also consolidated in the TEA Office?

A. First I have to correct an error. You think that three gentlemen of Dynamit Nobel are mentioned here. Only one gentleman is mentioned here who attended all TEA meetings. That's Dr. Paul Mueller. Of the two other gentlemen, Mr. Flaumer, is a technical dyestuff expert from Ludwigshafen who gave his first lecture that very day on the natural progress in the dyestuff field. The other gentleman, Mr. Minnacker, is a technical expert from Hoechst who gave the second lecture that day. They are not gentlemen from Dynamit Nobel.

Q. Yes, that's right. I am sorry; because they were grouped together I made the mistake.

A. Your question with respect to priorities for the explosives and powder group -- it's been shown here repeatedly that the plants for military purposes built by the Dynamit Company were Reich owned plants for which neither a credit was asked for at the TEA nor was it necessary to apply for such a credit because, after all, the money came from the Reich and certainly no priorities had to be discussed. As it is well-known in the TEA only such credits have been appropriated for the Dynamit

Company which can be referred to as old credits and in general had nothing to do with rearmament or at least only indirectly. We have very specific witness statements on that.

Q. Well, apart from the Reich owned plants that were operated by DAG there was a considerable amount of business of DAG left over. With respect to that business was that covered by this requirement which is noted under IV, that priorities had to be sent to the TEA or was it not?

A. I cannot answer the question whether priorities under these MTX and GS numbers were also granted to Dynamit Nobel. It says here that 80% of I. G. Farben was subject to these numbers. Dynamit Nobel requests for credit by the TEA concerned mostly their old business with synthetics, celluloid, and explosives for the civilian sector and naturally, before 1939, the DAG had produced powder and explosives for the 100,000 man army. Among these credits which were submitted to the TEA through DAG's own investments must have been a number of requests for plants which were producing explosives, but the Lion's share of the investments concerned the Reich owned plants which were not submitted to the TEA.

Q. Now, in December —

THE PRESIDENT: Just a moment, Mr. Prosecutor. To keep our record straight now you have offered NI-14230 as 1891 but you have not indicated whether it's for identification or is in evidence.

MR. SIRECHER: I intended to put it in evidence, your Honor. Unless I do say it's generally for identification it should go in —

THE PRESIDENT: We have no copies of it.

MR. SPRECHER: No, I will see that you get copies.

DR. GIERLICKS: Your Honor, the last question of Mr. Sprecher's touched upon fields which are also of considerable importance for a number of other defendants and where there interest lies in other questions to the witness in order to clarify this matter but I must say that unless we know the testimony and excerpts of TEA meetings which have been submitted to Dr. ter Meer it's hardly possible for us

Defense Counsel to follow these question in their detail and I would be grateful if in cases where a specific document not only is being used to refresh the memory of the witness but if it is becoming the subject of the trial in this way that it should be seen that such a document be made available to Defense Counsel in order that the re-examination of the witness be made possible.

MR. SPRECHER: Well, I think we all know the difficulties here. They are, after all, in the hands of the defendants and a copy in the hands of his defense counsel and there's also the original which is available from the Secretary for loan by defense counsel. If in addition to that service you have a problem we will have to handle it specially. We try to give you copies when we have got them but we can't get copies at all times.

THE PRESIDENT: Well, Dr. Gierlich's observation is well taken. When the Prosecution knows he is going to offer a document in evidence and time permits, it should be processed so that it is in the hands of counsel for the defendants. However, under the pressure we all all working now sometimes you have to depart from that practice a bit and we will just have to get along the best we can temporarily. I think in a few days our problem will be over.

BY MR. SPRECHER:

Q.- Now, I have just one or two question on poison gas, Dr. Ter Meer. In December 1936 Krauch was already in the raw materials office of the Four Year Plan under Col. Loeb. Did you know at that time that Farben's Ludwigshafen plant had undertaken the job of drafting a manufacturing plan for the production of Lost, mustard gas, and as well it's preliminary products and of suggesting the measures which were necessary in the interest of accomplishing this production? Did you know that at the time? In December 1936?

A.- From memory I can't tell you whether at that time I knew about any such plans. Can you give me any document in order to refresh my memory?

Q.- Just a minute. Now, did Dr. Ambros inform you at or about that time that the chemical processes and the chemical intermediate products — I withdraw that — at that time did Dr. Ambros inform you of the chemical intermediate products which were to be used as well as the chemical processes which Ludwigshafen had decided were appropriate to be used in the mustard gas program?

A.- I don't know what processes you are talking about but I pointed out at great length in my testimony that in the case of the preliminary product for Lost the Ludwigshafen process was at the disposal of Orgacit at Ammendorf and that was about that time. Naturally I cannot tell you whether in December or any other month or which year I had known about it. My memory doesn't go that far.

Q.- Well, I merely wanted to know if you recall that Ambros kept in touch with you about what Ludwigshafen was doing in connection with the Lost program?

A.- I believe that I testified that Dr. Ambros before this process was given to Orgacit at Ammendorf had talked to me about it and that I then approved of his proposals.

Q.- Now then, I will show you NI-13521 which will become our Exhibit 1892 which will go in evidence, Mr. President. Now, this is a letter from Dr. Ambros to you dated 14 December 1936. At the top you will note in handwriting that that particular copy was sent on to the defendant Krauch. Let me ask you a few questions about this document. Does that refresh your recollection that in December 1936 you knew —

DR. BERNDT: Your Honor, may I ask that Dr. Ter Meer be permitted to read the entire letter quietly before any question is being put to him?

MR. SPRECHER: That's certainly fair.

THE PRESIDENT: The witness is entitled to examine the document before he is required to speak with reference to it. We take it that if he wishes more time he will so indicate.

A.- Yes, this is a matter which I would have known from memory had you asked me it immediately. I know that Dr. Wittwer at the time Dr. Krauchs —

Q.- Dr. Ter Meer, suppose you let me ask the question. Now, that you have read the document. Now did you know at that time that Dr. Ambros was making recommendations with respect to the immediate operation of the Ammendorf plant which Farben had built? I think the topic is mentioned in the last paragraph of the letter. "In our opinion the Ammendorf plant should start operating immediately."

A.- Yes, this is stated in this letter, that stores should be accumulated for the preliminary products of lost.

Q.- Now, just above that paragraph it's stated that the technical staff of Farben which had built the Ammendorf plant was now carrying out the Wolfen project. What Wolfen project is being referred to there?

A.- It's said here that the technical staff which constructed Ammendorf — "and which at the moment carries out the Wolfen project." I can only think that we are concerned with the stand-by plant for diglycol which starts out from the same preliminary product.

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Q.- Now, I have a very few questions on so-called "air-raid protection" and the related topics. Did you know of any map games or war games as, I think, Col. Thomas refers to them in one of the documents, which were worked out in the Farben plants before 1933? The so-called "map exercises", to use an objective expression?

A.- I don't believe that before 1933 I know it.

Q.- Do you know of any other plant in Germany apart from an I.G. Farben plant which engaged in a map game before that map game at Leuna where Gen. Thomas participated and if you do recall that the firm engaged in such a map game before that time please tell us the firm?

A.- You can hardly expect me to know whether some other firm in Germany carried out such games and whether they actually carried them out unless they had been announced by Reichs Verband circulars. How should I have known about it?

Q. Now, in connection with the air raid precautions, do you know of any air raid shelters which were constructed before 1933 for the employees of any of the Farben plants?

A. I don't believe that before 1933 such air raid shelters had been constructed. Even the first measures after 1933 at first concerned purely defensive equipment for the plants. For instance, the procurement of gas masks and the sirens to warn the workers in case of an attack. As far as I know, the first credits which were granted at the TdA in 1933 and 1934 for air raid precautions only amounted to comparatively insignificant sums. These were only meant for the Erstmassnahmen, primary measures. I have explained that in my testimony where I read a report from Leverkusen where this word Erstmassnahmen, primary measures, was mentioned.

Q. The earliest appropriations for air raid shelters which we've been able to find is shown in Prosecution Exhibit 174, NI 4838.

THE PRESIDENT: Mr. Prosecutor, this subject has been pretty thoroughly considered, do you not think, and, in addition to that, it does take some stretch of the imagination to conclude that protection, air raid protection for industry in Germany is very persuasive with respect to plans for aggressive war against other countries. Now, I would not say it was incompetent but it does seem to me personally that this whole subject of air raid protection has been pretty thoroughly covered and I don't think that you need to go very deeply into it.

MR. SPRECHER: Naturally, in our view, it's just one of many subjects which tended in a certain direction. Now, I have only one or two questions....

THE PRESIDENT: Very well. I'll withdraw my observation.

BY MR. SPRECHER:

Q. By the time of the occupation of Austria in March, 1938, is it a fair statement that Farben's air raid shelters had developed to the extent that at least 40% of the employees could be accommodated in air raid shelters?

A. I don't believe that that would be a fair statement in the sense of that word. In earlier times when all sorts of basements and ground floors of high buildings were regarded as air raid shelters and then when the actual war started and heavy bombs were dropped they were of no value whatsoever. I think that if in 1938 some one said that we had found air raid shelters for 40% of our employees then that had to mean looking back from 1943 and 1944 that practically none were existent.

Q. Doctor, I was talking about employees in Farben plants, not the general German population.

A. Yes. I was also speaking only about employees in Farben plants.

Q. Do you recall that in 1938 it had been estimated that the cost per employee for air raid protection in Farben was 150 marks per employee?

A. I don't remember the figure. I can't tell you anything about it, unfortunately.

Q. Now, Dr. For Meer, there is in evidence as Prosecution Exhibit 140, NI 2638, Document Book 6, English page 28 and following, the confidential letter of Krauch concerning the development work of Vermittlungsstelle-W. Now, there are some statements in that document with respect to preliminary development work that has to be done in connection with the rearmament.

THE PRESIDENT: Is that a document in evidence?

BY MR. SPRECHER:

Yes. Prosecution Exhibit 140

Q. May I ask you this? Were you surprised at that time - that is 1935, that as Krauch points out there was an agreement that D/G, that's Dynamit-Novel, should work together with Vermittlungsstelle-W and the Farben plants in supplies for raw materials for armament and planning work in that connection?

A. Is that mentioned in that document?

Q. Yes, that's in that document. Apart from the fact that it's in the document, it is a circular by Krauch from Sparta I which you saw at the time, is that correct? Did you see that document at the time it was circulated?

A. This one?

Q. Yes, in 1935.

A. I can't answer the question. With respect to DAG I can only tell you the following. During the last months I have been able to go rather thoroughly through the documents submitted by the Prosecution concerning Vermittlungsstelle-W and I have noticed that in most cases, DAG was not addressed. I can only conclude from that that Vermittlungsstelle-W at least not regularly had worked for DAG which can easily be explained by the fact that the DAG plants belonged to armament plants directly under the Army Ordnance Office whereas the plants of Farben were exclusively so-called essential and vital industries which were under the Reich Minister and by the business manager of Economic Group Chemistry.

Q. Now, Doctor, suppose if the question doesn't call for a responsive answer, in your opinion, you just say so and I'll try to ask another question.

Now, in that same letter before you Krauch said as follows: "It will take a long time for the development work until one can see real clearly as to the actual requirements in the case of war." Now, you have mentioned the mountains of paper work which this mobilization work caused and we have brought into this court room and placed on the table in front of you some thirty folders from the Hoechst plant. So far as the Prosecution knows those are the only surviving general folders on mobilization planning underneath all these directives we have had here which still exist for the reason that has been explained before. The Hoechst plant was bombed and these were under the debris in the cellar.

Now, those folders, of course, are available to counsel.

Does that strike you as an unusual amount of paper work in connection with one plant which did work on Mob plans during this period?

THE PRESIDENT: Now, Mr. Prosecutor, you're getting the record in pretty bad shape here. You have indicated that here in the Court room is a pile of documents or folders or something. They're not in evidence and presumably you're not intending to get them in evidence. How in the world can a record reflect what's going on in this court room? It is not the purpose of the Tribunal to try to tell you how to make that proof, but if you want to make some showing by a witness or otherwise as to the quantity of those documents, then the record would reveal what's going on. You can't get that on the sound track or in the stenographer's notes and it seems to me that you're getting the record of this proceedings pretty much confused here. One perusing this transcript would be in utter darkness as to what was going on here.

BY MR. SPRECHER: Well, we can, perhaps, submit an affidavit that will include the titles on the folders which have to do with the progress of the matter with respect to the products involved from the raw material stage to the finished product.

Q. Now, is it not true that by 1938 each of the plants in Farben was precisely advised as to the requirements for its products in the case of war?

A. I cannot tell you whether that was true for all plants in 1938. I don't believe it was true of Ludwigshafen. I can't give you the dates and it really doesn't make any difference whether in 1938 or 1939 the Mob Plan was finally ordered for the various plants, but it is true that these plants with Mr. Ungewitter through Vermittlungsstelle-W - that has all been explained through witnesses and affidavits - worked out these mobilization plans together and if you put a number of folders on the table with some files in them I can't say that I'm surprised at their quantity. You must imagine how enormous our plants were. I have submitted statistics about the products which were manufactured in Sparte

II alone and if you would care to look through the affidavits submitted with respect to the statistical work concerning the Statistical Reich Office and similar, even more complicated statistical work concerning mobilization planning and if you will see how these gentlemen who were active as liaison men in the plants complained about these mountains of paper which was necessary, then this mountain in front of me does not surprise me in the least.

Q. Do you recall yourself being informed in early 1937 that mobilization plans - and I repeat, mobilization plans - for the whole of I. G. were to be accomplished by the 1st of July 1937?

A. I assume that I was informed about it.

Q. Now, do you know of any plant in I.G. Farben which was not classified either as an armament plant or a K. & L. plant, war important and vital plant, at the time of the occupation of Austria in March, 1938, and if so, please name one?

A. The entire industry was divided in either armament industries or vital and essential industry. I don't know whether there was a third category. It may be that the cosmetic factories fell into none of these categories, but I do believe that almost the entire German industry belonged to the one or the other group. Vital and essential means that they were necessary for normal peace time purposes, but if war came about these purposes, at the same time, constituted a direct war need. That is the well known meaning of the term war potential.

Q. Now, one of the essential parts of the mobilization tasks was assuring that sufficient raw materials would be available so that the products could be produced in the required quantities in the case of war. Is that right?

A. Yes, that's right.

Q. Now, I'm not talking about the stockpiling problem at all when I mention this next question. Wasn't it necessary for the plants underneath the Mob tasks to see that all the preliminary arrangements were

made - priorities, transportation, personnel, etc. - so that in the case of war they would be able immediately to go on to the Mob task schedule with respect to productions?

A. That was the purpose of the work. If the work was done well, it would have been as you stated it, but that does not in the least change the fact that the Mob plans which were assigned to the plants mostly were for the largest part nothing but continuation or normal peacetime production, I have explained that in detail.

Q. Now, weren't there a number of cases which came up in the TMA or which were handled in Sparta II where production had to be moved back and forth from one plant to another because of the requirements in connection with the Mob tasks?

A. I particularly dealt with the dye stuffs plants in that respect because the Prosecution has submitted a document in that regard and has pointed out when presenting that document that I personally made some suggestions. Therefore, when making my testimony ...

Q. (Interrupting) I am sure that the Tribunal and I both recall your testimony.

My point is perhaps more general than the mere dye stuffs plant which, after all, was a contracting product so far as Case A was concerned. Other products were expanding products so far as Case A was concerned.

Now, my question concerns the problem relating to the transfer of production between the various plants. Wasn't that to the extent that it gained your attention from time to time?

A. I don't quite understand your question. What do you want to know? Do you want to know whether a lot of changes came about compared to peacetime production as in the case of dye stuffs? Is that your question?

Q. Regardless of whether you want to call the products peacetime production or what you want to call them? I'm talking about products covered by the mobilization plans. I'm asking you whether it wasn't necessary to move production, before 1939, from one plant to another underneath these so-called Mob tasks?

A. You're asking about transfers of plants. Is it that you want to know?

Q. Transfers of production between the Farben plants so that because of Mobilization tasks Ludwigshafen, instead of making certain products, would make another product, as an example.

A. In the case of Ludwigshafen, a Mob Plan, up to the last months

before the outbreak of war, was still being discussed because apparently there was some dispute between Dr. Ungewitter and the management in Ludwigshafen about the use of Ludwigshafen after a possible outbreak of war. These questions apparently were not clarified before the 1st of September 1939. Consequently, when the war broke out, Ludwigshafen had no Mob assignment and that is why the surprise came and Ludwigshafen, according to the automatic regulation of Dr. Ungewitter, should have been laid off. I reported on that.

Q. Now, the telegram of September 3 is in evidence as Prosecution Exhibit 264. That's the telegram which put out the Mob Plan as being in effect. I'm sure that you have noted that that telegram, which plays a rather conspicuous role in Kramsberg affairs, states only, so far as Ludwigshafen, as follows:

"Minimum production levels recently fixed for Ludwigshafen and Oppau also goes into effect immediately".

I see no statement about shutting Ludwigshafen down in that telegram. Was there another order besides the order of the 3rd of September? That's the order.

A. No.

Q. That's the order?

A. You're absolutely misinterpreting that telegram. Nobody can ask you to have an exact insight into Ludwigshafen production. The documents which the Prosecution have submitted themselves show that in July and August discussions were still held about the transfer or about a Mob plan for a very limited production of Ludwigshafen. I can't give you any exact figure about that program but probably it amounted to just a few per cent - two or five per cent - and was naturally impossible to carry out. This program meant practically the closing of the two plants of Ludwigshafen and Oppau with all their large scale productions.

Q. Now, who besides you, from the technical side, was in Kramsberg in 1945 toward the end of the year? Let's say after September.

A. Of the technical gentlemen - Dr. Gajewski, Dr. Hoerlein, Dr. Buetafisch. That's all, and then a number of young men who were not in the Vorstand.

Q. Yes. Now, did you task over the mobilization plans at that time between the technical gentlemen there before you wrote your report to the Allied Government, to the American Government which you put in evidence, concerning Mob Plans, etc.?

A. I have especially talked to my colleagues about this question of Mob planning for the simple reason because I couldn't remember all the details in this field. I wanted to know what they know about it.

Q. Now, in Document Book 4 of von Knieriem, Document 26 I would like to have marked as Prosecution Exhibit next in order, for identification.

THE PRESIDENT: Better state the number. State the number for the record so we'll have it.

MR. SPRECHER: That's 1893, for identification.

THE PRESIDENT: That is von Knieriem Document 26?

BY MR. SPRECHER:

Yes. Von Knieriem Document 26. It's von Knieriem Exhibit 25, for identification. It was not offered.

Q. Now, did you read von Knieriem's inter-office note, the file note that he wrote in Kramsberg at the time after these discussions had been held as to whether or not Farben had worked on so-called mobilization plans?

A. I believe that you're referring to a two-page statement by Mr. von Knieriem when he talked about the number of discussions at the time. Yes, I know it. I've read it.

Q. Now, this is the statement: "I.G. did not work on plans connected with mobilization in the chemical sphere."

Is that not, as you see it now, in any event, certainly a misleading statement.

THE PRESIDENT: Now, Mr. Prosecutor. What is the point of taking a document not in evidence, not before the Tribunal, presumably made by some other defendant and undertaking to prove that it is untrue by this witness? That might be a pertinent inquiry to ask some other defendant, but certainly you are getting pretty far afield of anything that would be proper here to use this witness to prove some statement, purported to be made by some other defendant, to be untrue and when the statement even is not before the Tribunal according to your statement.

MR. SPRECHER: Well, I can simply offer the statement, but I think you miss my purpose, Mr. President. My purpose is not to prove that the statement is true. My purpose is to prove that these gentlemen talked over, among other things, this document which I have marked for identification, and that statements were made at that time by the technical gentlemen that were in Kronsberg which conflicted with statements which had been made by the commercial gentlemen in Kronsberg and, in view of the proof in this case, the accuracy of what the commercial gentlemen said, in our view, is much closer to the truth than what the technical gentlemen said, and we think that in connection with your weighing the entire evidence in this case it's an appropriate topic of investigation.

THE PRESIDENT: Now, as I understand from the witness..... I don't know whom you embrace within commercial and technical gentlemen, but he has said that there was a group of young employees who presumably are not among these defendants there at the time they participated in these discussions.

BY MR. SPRECHER:

In addition to the defendants Gajewski, Hoerlein and Buetefisch.

Q. Now, may I ask the other question? How many commercial gentlemen were there at that time, Dr. Ter Meer, from the Vorstand?

A. I didn't understand the question.

Q. How many commercial members of the Vorstand were in Kronsberg

at the time? Dr. Schmitz, Dr. von Schnitzler and who else?

A. Schmitz, von Schnitzler. Then Dr. Ilgner.

THE PRESIDENT: Even with that additional information, the Tribunal thinks that this inquiry is improper.

BY MR. SPRECHER:

Q. Did you know before you were in Kramsberg that large quantities of the more important products which had been produced in Ludwigshafen before 1939 had been transferred to other plants before 1 September, 1939?

A. You are now referring to finished products, are you?

Q. No. I mean the production, the processing, the working up - a lot of products previously produced in Ludwigshafen. My question is whether you know that many of the products had been moved to other plants for production rather than being produced at Ludwigshafen before 1939?

A. The question does not quite meet the conditions as they actually prevailed. As far as I remember, at no time was production transferred from Ludwigshafen at any time before the outbreak of the war. That is, interrupted and taken up at another spot. On the other hand, when expansions were carried out - for instance, in the case of steel acid, we wanted some expansion and we couldn't expand in Ludwigshafen but started to extend our Schkopau plant, but that doesn't mean that anything was interrupted in Ludwigshafen. This concerns talic acid.

Q. Now, coming to another topic, let me ask you if Carl Lueer, who approached you on behalf of Gauleiter Sprenger, as you testified, was at that time chairman of the Aufsichtsrat of Degussa, a Reichstag member, and the labor trustee for all of the province of Hessen.

A. That was 1937. He was the president of the Chamber of Commerce at the time. Whether he was in the Aufsichtsrat of Degussa I no longer know. You said labor trustees. What's his title in German -- can you tell me?

Q. Treuhaender der Arbeit?

A. No, Lueer was not Treuhaender der Arbeit in 1937. It was another gentleman, but I don't recall the name.

Q. Now, I show you document NI-016 which will become Prosecution Exhibit 1894. Now, at the bottom is all that we are interested in -- there is that phrase "Labor Trustee for the Economic District of Hessen". You will note this is taken from the German Fuehrer Lexicon which corresponds to our Who's Who for the year 1934 and 1935.

A. In spite of that, in the middle of the 30's -- whether it was 1936 or 1937 I don't know -- another trustee was appointed at Frankfurt. I don't recall his name either.

Q. Now, are you sure that you applied for membership in 1937 or was it in 1938? I realize that your card, your Party card, was back dated to May 1937, but didn't you apply in April of 1938.

A. No, I know the date very definitely. Well, I can give you the approximate period -- I mean the year. It was in 1937. I can not here be deceived by my memory because this is connected with certain conditions prevailing in my house at the time.

Q. All right. Do you have your ter Meer Exhibit 9 from Document Book 1 before you there?

A. No, I haven't.

Q. Well, I think we can go along without it. You mention there,

in paragraph 2 ---. I better describe the document to you first. That is an affidavit which you gave to me after an interrogation of a day or two, and I think you have also the copies of the actual interrogation record, is that right?

A. Yes, I have them all.

Q. Now, there you mention that Professor Selck, being then a Vorstand member of Farben, at that time Betriebsfuehrer of Farben, is that correct?

A. You mention that he persuaded you not to resign from your position in Germany. Did you know at that time that Professor Selck was a supporting member of the SS?

A. Yes, I did. I must correct myself. I don't know whether he was a supporting member of the SS, but he was the head of an SS Reitersturm. That is certain. At any rate there is no doubt that Mr. Selck at that time had a certain relationship to the SS and we all knew that.

Q. It's true then that both of the Hauptbetriebsfuehrer of Farben, namely Selck and Schneider, both had relations to the SS -- is that right?

A. That is true of Mr. Selck because he was the head of the Mounted Corps -- Reitersturm. If you consider his capacity as supporting member of the SS as membership then I would have to answer the question in the affirmative. I know what it means but you haven't asked me about that.

Q. Now, was it the Roehm affair that disturbed you so considerably at the end of 1934 that you considered resigning from Farben at the time, or was it the accumulation of matters of 1933 and 1934?

A. I think that the main motive at the time was a combination of matters, but predominantly it was my very definite disgust -- I might say a revolutionary feeling toward this tendency of the industry which was laid down by the Berlin authorities with respect to industry.

My attitude was so far dominated by private enterprise, and this emanates from the point of view that industry has to know what is correct in the sense of its development. Such tendencies which came into being under the Hitler regime during the first few years had a very strong effect on us and this was probably the strongest factor.

Q. Did you have any close associates or friends who were arrested by the SA or the SS in 1933 as active opponents of the Nazis?

A. No, I couldn't name any of my closer friends who was arrested in 1933 or 1934.

Q. Now, you have noted, I believe, in one of the affidavits, but in any event you once told me that the assignment which Speer or Schiebler gave you in Italy in 1943 was a certain relief to you because you were completely at odds in your personal feelings with the situation in Germany in the year 1943, is that correct?

A. Yes.

Q. 1943, yes. Now, very briefly, please tell us what these developments were just before 1943 which made you feel a relief at being sent to Italy.

A. I must correct one of your statements inherent in your question. I wasn't relieved at all when I received the order to go to Italy. That was only an order meant for a few weeks. I thought that I would return very soon. It was at a later date when I had the feeling that one was deviating far more in Italy than it was possible in Germany. I think that a number of people in the year of 1943 experienced certain inner conflicts about a number of matters which came into appearance in Germany in the course of the years. Naturally it meant a very strong conflict for every human being, if on the one hand he wants to do his duty towards his own country, and on the other hand in the war he naturally feels himself obligated to fulfill this duty and if on top of that he observed all the time measures being taken by the Party which he voluntarily would never adopt. In addition,

in the year of 1943 every enlightened person knew exactly what the war situation was. I need only remind you of Stalingrad at the beginning of 1943, the breakdown of the submarine warfare and the beginning of the destruction of our big cities which started, as it is known, in April or May 1943.

Q. Well, was it principally because of the deteriorating military situation or because of other differences?

A. I started with conflicts between obligations of the German towards his country and the measures forced upon him through laws according to which he had to fulfill certain demands by the Party, and that is far broader than a pure military matter. I am also referring to other events which I have also described in an affidavit.

Q. All right. Now, you testified that there came a time when you recognized that Hitler was a madman who had led Germany to her destruction. Did you recognize Hitler as a madman before the declaration of war on Russia and the United States during the year 1941, at the time that you were engaging in certain measures with respect to the chemical industries or dye-stuff industries in France and Poland during 1940, at the time when the war outlook from Germany's point of view looked very good? Did you consider him as a madman at that time?

THE PRESIDENT: Mr. Prosecutor, I think you ought to restate that question. You have got your dates mixed up. I can't tell whether you are talking about 1940 or 1943 or what year. Would you mind saying it again. We'd like to understand the question ourselves before the witness undertakes to answer it.

BY MR. SPEECHER:

Q. Yes. You testified that there came a time when you recognized Hitler as a madman who was leading Germany to destruction. Is that right?

A. Yes.

Q. Now, Germany declared war on Russia in June 1941 and on the United States in December 1941. I ask you if before this time, namely in

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1940, you recognized Hitler as a madman at the time when you were involved personally in developing or taking over certain dye-stuffs plants in Poland and France.

A. I believe that the expression I used referred to Hitler's attitude when the war broke out in the year of 1939. In the final analysis it was his attitude which led to war.

Q. Mr. Dubois has some questions.

BY MR. DUBOIS:

Q I had planned to ask you, Dr. ter Meer, a few questions about some of the Struss charts and tables which are contained in the document books relating to production in general, and then to go into more detail with Dr. Struss about them. But in order to save time I think that we will leave all that for Dr. Struss to explain, and I might give notice now to defense counsel that the prosecution will want Dr. Struss produced before the commissioner for examination on various affidavits in the ter Meer document books. Now, I will ask you first a few general questions about buna production in Germany. What relationship, if any, did you see between the acceleration in the government's program for rearmament beginning after Goering announced in early 1935 the creation of the Luftwaffe and increasing rapidly during 1936, and the acceleration in the program to produce buna which occurred during that time?

A I see no very close relationship between the enlargement of the Luftwaffe and the increase in buna production. The aeroplane, as far as I can judge, contains very little rubber.

Q Well, let's talk about the rapid increase, then, in the rearmament program during the latter part of 1935 and particularly during 1936, on the one hand and on the other hand the acceleration in the program to produce buna. What relationship, if any, did you see between these two things?

A I believe that in my very detailed statement about the participation of the Wehrmacht, and this is the expression which the Wehrmacht used itself in one of its memoranda of 1938, and with respect to the pushing ahead of buna production in Germany, I have stated that the peacetime consumption of the Wehrmacht according to documents which were produced, was very small and they only wanted fifty tons per month. The status of processing did not, in these years, enable us to produce buna very well. What figures the Wehrmacht would have needed in case of war I really didn't know.

Q Well, now there is a number of documents in evidence, some using figures relating to actual production and others to planning and there may be considerable confusion on that which we hope to have cleared up, particularly when Dr. Struss appears before the commissioner. Now, just let me ask you if this isn't a fair statement of the situation. The planning for the expansion of facilities for the production of buna was geared in with the production plans of the armed forces, but it developed that the war had started a bit too early for all of the early requirements to be met from the actual production of synthetic rubber. Is that a fair statement?

A I can't answer the question in the affirmative because I really don't quite understand the import of your question. Do you mean to say that had the war broken out two years later buna production would have been increased? If you asked that question I would say yes.

Q Let's start with the first part first. The planning for the expansion of facilities for the production of buna was geared in with the mobilization plans of the armed forces.

A I didn't understand the question. I didn't understand one word.

Q Was the planning for the expansion of facilities for the production of buna geared in with the production of the armed forces? Were they related to it?

A I can't give you an information about that because I simply don't know. No one ever told me.

Q Well, I think the best procedure will be if I show you a few documents to refresh your recollection. First, let me show you NI 13515 which we offer as Prosecution Exhibit 1895 which is a file memorandum from Ambros to you dated 7 July 1938. You may want to read particularly the first three paragraphs. You will notice that that says plant schedules for buna factories. This is 7 July 1938. "The mobilization plan provides for", and then it says, "by 1 July a buna production of 100,000 tons per year, by 1943 a capacity of

120,000 tons per year. It is therefore agreed —" and so forth. Does this refresh your recollection that the planned expansion of capacity was related to the military mobilization plans.

A Yes, that is the case.

Q Now, let me show you next NI 7670, which we marked as Prosecution's Exhibit 1896, which is a speech which you delivered before Gauleiter Sprenger in September 1941.

A Yes, I know it.

Q You note the first paragraph talks about buna as a vital war material. On page 13, Dr. ter Meer, of the German, you state that "the war into which Germany had to enter in 1939 in order to safeguard her existence started a bit too early as far as supplying Germany's rubber requirements from home production was concerned; that during the first two years of the war bottlenecks in rubber supply occurred several times. Fortunately it was possible to eliminate them by seizing considerable stocks of natural rubber in the enemy countries and by import via Japan and Russia." Then you state, "Production today nearly covers present requirements." Is this an accurate statement of the situation?

A That is a statement referring to the production status in the year of 1941, September 1941.

Q Now, I next show you — what you have there is a correct version of speech, is that right, Dr. ter Meer?

A It is my impression that that is a photostat copy of the lecture which I held at the time before a large circle of gentlemen in Frankfurt.

Q Now I will show you Prosecution's Exhibit 1571, NI 11106, which I think you have already mentioned once here. This is the minutes.

A Yes, I know it.

Q That is the minutes of a conference of April 1939.

A Yes.

Q Now, you will notice that it refers to the planned production of

buna at Schkopau and Huels at 100,000 tons.

A Yes.

Q And also in the same document there is reference to the fact that no change can be made in these deadlines for political reasons.

A Yes. This is a sentence contained here which was put to Mr. Struss when he was a witness here.

Q Now I show you one more document, that is on this particular point. Exhibit 15, NI 4971, which is also in evidence in Prosecution's Book 1, page 101, which is a letter from the defendant Ambros with a copy to you. You will notice that in the second paragraph of the second page of the German in this letter to the Reich Ministry of Economics it is stated "As you know I.G. Farben at considerable cost in labor and money has started to develop buna in such good time that the risk of private funds has established large plants for the manufacture of buna to such an extent that the amount of rubber requested for the war by the German army and German economy can be met. In view of the services rendered by Farben to the Reich we do not think it far if the Reich were now to enter into competition with Farben over the utilization of manufacturing methods found in Soviet Russia." Is that an accurate statement of Farben's contribution in the buna field to the war effort of Germany?

A Counsel, I can only state that the lecture which you quoted before and this document contain utterances from before the war which concerned the war need of rubber. These were matters which would have been submitted in every country accordingly with respect to any product. No conclusion can be drawn from that situation why such installations were built by us before a war which we did not expect.

THE PRESIDENT: The Tribunal will rise for a recess.

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THE PRESIDENT: The Tribunal will rise for a recess.

THE MARSHAL: The Tribunal is again in session.

BY MR. DUBOIS:

Q. You spoke of the location of the plant Huels, and your counsel introduced a map stressing the location of this plant near the western border. Now, it is a fact, is it not, Dr. ter Meer, that vital production facilities were geographically decentralized by Farben long before the war because of military considerations?

A. That is true of some stand-by plants, and probably in the choice of Schkopau it was taken into consideration that central Germany was the best location for all eventualities since it was rather far from the border both in the east and the west.

The Prosecution has introduced documents about defense preparations of the Ministry of Economics which we have just learned of now. This matter of geographical distribution of production in Germany is dealt with at great length there.

Q. But you knew of that long before the war, isn't that right, as well as afterward?

A. These defense economy directives were presented when I was examined. They were top secret matters. I did not know them.

But if one has a stand-by plant for diglycol and Welfen, of course one thought of such things, I realize that.

Q. Shortly after the German Army overran France, did Farben take any action or make any plans with respect to its production in the light of the new sources of raw materials that it was expected would be at Germany's disposal as a result of the so-called policy of "Grosswirtschaftsraum"?

A. I don't know what measures of our firms you are thinking of.

Q. Well, let me show you a document, NI-6783, which will be Prosecution Exhibit 1897. Well, now, I withdrew the identification; I made a mistake here. Apparently this has already been introduced as

Prosecution Exhibit 456, but at that time this particular portion was not translated and put in our books.

THE PRESIDENT: What is the document number?

MR. DUBOIS: The document number is NI-6783, and what I am now distributing is portions of these minutes which were not previously translated.

THE PRESIDENT: Very well.

BY MR. DUBOIS:

Q. Does that refresh your recollection, Dr. ter Meer?

A. That is a discussion of the men of the TEL Office in 1940. Apparently it is a Monday Discussion which in this place took place on a Tuesday.

To which part of this document are you referring?

Q. You will note particularly the paragraph -- "In the greater economic sphere (Grosswirtschaftsraum)...."

A. Yes; here it says that additional natural sources of raw material will make the German economy independent in many field from imports from America and the Far Eastern countries.

That would of course affect the western countries too. I assume that this means coal and raw materials produced from coal: Nitrogen products, organic products, etc.

MR. DUBOIS: Mr. President, should we keep this document as just an additional translation of the previous exhibit, or give it a new exhibit number?

THE PRESIDENT: I believe it would be less confusing if you gave it a new exhibit number.

MR. DUBOIS: All right then, we will give this Exhibit No. 1897.

THE PRESIDENT: Thank you.

BY MR. DUBOIS:

Q. Now, you will recall that in June 1935, shortly after the

Reich Secret Defense Law was passed, it was stated at a conference between Farben, Army Ordnance, and the Reich Air Ministry that the exchange of experience with Standard Oil was untenable insofar as development work for the Reich Air Ministry was concerned. And later on you yourself testified that an order was issued with respect to Buna?

A. Yes.

Q. You will also recall that in March 1938, you discussed with General Loeb the impracticality of attempting to stem the development of Buna in the U. S. any longer.

Now, during the period between those two dates, between June, we will say, 1935, and March 1938, what was the general nature and purpose of Farben's contacts with American firms concerning Buna?

A. First of all, in the Fall of 1935 I went to the United States. I have told about this trip here on the stand. This part of the negotiations lasted until 1936, I believe, even into 1937. I did not explain them any more thoroughly because the material on Buna and America was very extensive. The purpose of these negotiations was to use the German Four-Step process in America, and nothing came of this intention. But I can tell you that in 1936, for example, Mr. Robinson, Mr. Porteau, and Mr. Bridgewater -- the Dupont men in Germany -- had negotiations with us, and I believe there are some exhibits in my books on this subject. We can offer additional evidence very easily, if necessary.

In the following years something happened that I believe I have also made very clear here, namely, after it was realized that the German Four-Step process was too great an economic risk for America -- I have explained why -- Farben began to work on a specific Butadiene process for American oil and at the same time tried to make the American consumer acquainted with Buna.

Q. Let me show you, Dr. ter Meer, an exhibit which the Prosecution has already put in-- Exhibit 958, NI-10447; it is in Book 42, page

132 of the English, 118 of the German. That is this memorandum which has been mentioned here before from Buete-fisch, a file memorandum by Buete-fisch concerning oil.

Now, I ask you to look at the second and third paragraphs of that letter, and I ask you to tell me whether or not the description of the way in which Buete-fisch said Farben handled the exchange of know-how with respect to oil is a fair description of the way that Farben handled the exchange of experience with respect to Buna, particularly during the period after the Government orders prohibiting the giving of know-how were issued.

A. I assume that you mean that in the oil field, experience was given after the war broke out, but that was not the case in the Buna field. There is a difference there.

Q. I do not mean that, Dr. Ter Meer. If you read part of that, it says: "Up to now we have carried this exchange of know-how out in such a way that from our side we have only sent reports which seemed unobjectionable to us after consultation with the OKW and Reich Ministry of Economy, and which contained only such technical data as concerned facts which are known or out-of-date according to the latest stand. In this way we have managed the handling of the agreements so that in general the German economy remained at an advantage."

"In order to maintain the contact with neutral countries abroad and/or the oil companies located there, we consider it expedient to continue this exchange of know-how in the form drawn up, retaining on our part the guiding principle that under no circumstances must any know-how of military or military-political importance get abroad in this way."

I merely ask you this, whether that statement which I just read is a fair description of the way in which Farben handled the exchange of Buna exchange of experience with respect to Buna, during the period after June 1935?

A. No. Those things have nothing to do with each other.

Q. Now, you spoke of the fact that in 1936 there was a government order issued prohibiting the giving of know-how for processing or manufacturing Buna in the United States; is that right?

A. I have said that I could not offer this document because I do not have it, but from a similar document which prohibits giving samples, etc., one concludes that it prohibits the giving of know-how, because if this had not been prohibited I would have no reason in 1938 to revoke it, and it can be seen from several letters exchanged with Mr. Howard that this was the state of affairs.

Q. I was just asking you about your statement now; were you ever

specifically authorized by the Government thereafter to give the know-how to an American firm, particularly Standard?

A. The only official authorization of the German authorities was given at the meeting, - or rather after the meeting of the Reich Ministry of Economics in '38. I believe it was in October '38, that approval came to take up negotiations abroad, but the approval of the Ministry of Economics had to be obtained before the negotiations were concluded.

Q. But that did not specifically authorize you to give the know-how, did it?

A. No.

Q. How did you ever specifically advise any American firm with whom you were dealing during this period, of this Government prohibition, and if so, when and under what circumstances?

A. I remember that in one of the Ter Meer books, that is a letter to Chemnico, the prohibition against sending samples to the United States is mentioned. The purpose was to prevent Chemnico from trying to obtain such things and then being refused, but in addition, I never deceived Mr. Howard about this state of affairs, and if you will read what Mr. Howard wrote in his book, you will find in several places a clear evidence that he was very well-informed.

I believe that the document in books 42 and 43 contain various such references. I do not have them here.

Q. First, Chemnico and you also were called; there is a document in evidence that in 1934, Chemnico had been instructed not to give foreign firms the impression that Farben was not free to negotiate?

A. I know that document. I believe it was offered by the prosecution.

Q. Excuse me.

A. Yes.

Q. Now I want to get this clear. Is it your position that you specifically advised Howard that the Government prohibition prevented you from carrying out your obligation to him, under the Jasco agreement, to supply the know-how;

is it your position you specifically advised Howard that?

A. Yes, of course.

Q. When would that have been?

A. On several occasions. Among others, it was mentioned at the meeting in Berlin in February, 1938, between Mr. Howard and me. It is mentioned in the minutes.

Q. Well, during the period between June, '35 and March '38, or February, '38, which ever you want, did you ever advise Howard of that?

A. Yes, in the beginning this prohibition of negotiations and transfer of know-how to America did not exist. In the fall of 1935 I went to America. I had several intentions. I was interested in Dupont, Neoprene process, and applying it to Germany.

Q. Excuse me, Dr. Ter Meer. What I want to know is, after the Government order was issued, and before March, '38, did you specifically advise Howard that you could not deliver the know-how, as you were obliged to do, because of that Governmental order?

A. Doubtless.

Q. Now in your testimony you read from that part of Howard's book which is quoted in your Exhibit 225, in Book 9, at page 96, and there Howard stated:

"Ter Meer acknowledged at this time that for some reason which he did not explain, the German government had not previously been informed," -- this is in the spring of '38 - "had not previously been informed, that the joint American Study Company was entitled to Buna rights outside of Germany." Is that statement of Howard's correct?

A. I am afraid I do not have the document here. I would like to see the text exactly. I would like to see it.

Q. Yes, you read from it yourself.

THE PRESIDENT: Is that a statement taken from the Howard book?

MR. DUBOIS: It is a statement taken from the Howard book.

THE PRESIDENT: Perhaps you can give him the page reference. Do you have the Howard document book?

THE WITNESS: I do not have it here.

MR. DUBOIS: It is 196. This is what you yourself read, Dr. Ter Meer.

THE WITNESS: Thank you.

BY MR. DUBOIS:

Q. You see that paragraph which begins: "Dr. Ter Meer agreed that our position was reasonable and justified and promised that he would present his point of view to his associates and if they agreed, to his Government. Ter Meer acknowledged at the time, for some reason which he did not explain, the German government had not previously been informed that the Joint American Study Company, was entitled to Buna rights outside of Germany."

Now I ask you, is that statement of Howard's correct?

A. Yes, I think that is correct.

Q. Now, all right. In view of what you have just testified to, do I correctly understand the situation as follows: After the Government prohibited the giving of know-how on Buna to the United States, you never told the Government, -- at least prior to the spring of '38 -- that you were obliged under the Jasco agreement, to supply the know-how on Buna, and yet not having told the Government this, you advised the Standard that the Government was preventing you from carrying out your obligation to supply the know-how; is that correct?

A. No, three separate things are being confused here. First of all, the basic agreement with Standard Oil of the year, 1929, which we Farben, considered Buna as falling under the Jasco agreement; Second, the question of whether it was necessary to inform the German government, since an agreement in accordance with the Jasco Company contract, observing the various clauses of the Jasco contract, was never drawn up, because there was never a finished process which was usable in America; third, the fact that in spite of that, we at all times tried to have Buna put into production in America. Again and again I was depending on technical developments when we had talked in America or with Howard in Germany, originally for the four-step process up to about '35 or '36, then again a few years when we had nothing at all. There just wasn't anything for Jasco.

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Then in the spring of '38 when we saw that the process would be ready in a short time, than we resumed negotiations with Mr. Howard, and at that time we approached the Government too, and got the permission for negotiations.

Q. Excuse me, Dr. ter Meer, I think that, — I do not believe you have understood my question, and perhaps that is my fault. I believe I was merely repeating what you have already testified to. Now see if this is not right, and I understand you said first that after the Government prohibited the giving of know-how on Buna to the United States, that you did not tell the Government, — at least you said that Howard's statement that you did not tell the Government that you were obliged under the Jasco agreement to supply the know-how on Buna, — was correct; you said Howard's statement on that was correct?

A. Yes.

Q. And you also said that you told Howard specifically during that period that you could not give the know-how because of the Government order; now isn't that right?

A. Yes.

Q. What I am posing to you is this: I will put it this way. How do you explain the fact that after the Government order was issued, you did not tell the Government that you were obliged to give the know-how to Standard, and yet at the same time, you told Standard, or Howard, that you could not give him the know-how because of the Government order; how do you explain those two things?

A. I understand you seem to see some contradiction there. I do not see it. When the prohibition was issued, there was no process which we could have given Standard Oil. The now process on the oil basis was not finished, even in the fall of '38 as my documents show, and if I had a prohibition against giving Buna know-how to foreign countries, — and I did not have any know-how, what am I supposed to do? I, quite frankly, do not understand your question.

Q. Let me ask you this simple question.

A. Yes.

Q. Why didn't you tell the Government that you were obliged to give the know-how?

A. This statement refers only to the discussions which were approaching with the men of the Ministry of Economics and Mr. Loeb, and I

am sure that it would have no effect on Mr. Loeb, if I had told him that we are obligated to do so for contractual reasons. I had to try to win over Mr. Loeb in a different way, and I tried to bring that out from all of the movies which I listed in this report at the discussion, and it would be unnecessary to repeat them.

That was my psychological attitude at the time toward this extremely difficult conference with Mr. Loeb apparently.

Q. Do you have your book 3 there, Dr. ter Meer?

A. No

(Document handed to Dr. ter Meer)

Q. You were just telling us that it would not have done any good to tell the military authorities, or Loeb; will you please read there with me, the question and answer that I have marked, - Mr. Sprecher marked there:

"Q Would you say that the policy of the Nazi government with respect to the transfer of patents, know-how and economic secrets, was intended to keep the Wehrmacht as strong as possible, and to prevent the foreign contractual countries to these international agreements from getting those economic secrets in order to keep them as weak as possible?

"A. I do not think that the consequences of this supervision of exchange of technical knowledge went so far, but in certain cases that is certainly true, because if the Government did not allow us to send patents to America, they would be kept a secret in Germany, and that would make Germany stronger and America weaker.

"I would like to mention that the German authorities, also the Military authorities in Berlin, were in this respect very generous and fair about it; generous in that they allowed almost anything we asked for, and fair that they did not deny our proposals which would bring us into a bad position with our partners outside of Germany. I would like to tell you, etc".

How do you explain what you have just said in the light of that?

A. What I said here is in no contradiction to what I said before. That deals with the whole Government policy at the time, and the connection with the law about economic treason, and I know only too well, and there

was also an affidavit of Dr. Luser's in the first book, that in the years from '33 on, we were in a position, to a large extent, to make agreements with American firms and to transfer know-how. I know all of that, that is testified to by this. So far as Buna goes, this situation was somewhat different. A freedom or a commission to negotiate existed until about 1936. In 1935 I tried to make something of it. Up to '38, the spring of '38, there was no possibility of giving any process to America because there wasn't any process ready, and therefore I went to the Government first with this matter when there was a process which was considered almost ready; that was not the case before the spring of 1938.

If you will look at the document, you will see that in the fall of 1938, the Standard Oil men were asked to postpone their visit to the spring of '39, because a small experimental plant of one ton per day had just been dismantled. That shows how delayed the process was, but if the government forbids me to talk to America, the prohibition must have been— why should I ask the Government for such permission when there wasn't any process? It would have been silly. My understanding of the events, relating to Mr. Loeb, who was not a military authority but an official of the Reich Ministry of Economics, and I have testified that I do not know or remember exactly what the motives were, - but it is probable that I considered it wiser to bring up various motives, commercial, economic, patents, rather than to come to Mr. Loeb, who was overy difficult, and with whom I had had several differences of opinion earlier, and tell him that I had an obligation under a contract. That would probably have resulted in a refusal. That is the best of my recollection today. This is how I judge them from my own record, and Mr. Howard's statement, but that does not contract what I said at Kranzberg. That was referring to the over-all know-how in America, and it is not clear that Farben took enormous quantities to America.

Q. There is just one more question on this, Dr. ter Meer, Bearing in mind, if you will, this point that we have just discussed, the German authorities, - you say, "The German authorities, and also the Military authorities were very generous and fair about it". I would like to read

you two sentences from the exhibit that you have already referred to, our Exhibit 960, and then I will ask you a rather simple question which I think you can answer rather simply. "Conference," this is in March, '38: "Conferences, which up to now had the sole object of easing the minds of American interested parties, and to prevent as much as possible an initiative on their own part within the framework of Butadiene rubber were held with Standard, Goodrich and Goodyear. We are under the impression that one cannot stem things in the United States for much longer, without taking the risk of being faced all of a sudden by an unpleasant situation. Unless we be unable to reap the full value of our work and our rights."

Now this is all I want to know. Is it your point of view, - is it your present view, that these statements are true, or that they are false?

A. I have already discussed this part of my own record of the talk with Colonel Loeb. I believe at the time it was Major General Loeb. I said that the mention of Goodrich and Goodyear, on the same level with Standard, was, of course, false.

Q. We are familiar with the testimony. If you do not care to answer the question that way, it is all right. Would you care to say whether these statements, as they are worded, are true or whether they are false? If you don't want to answer that way, it is perfectly all right, and I will drop it. Are they true or are they false?

A. I probably said that in that way, at the meeting, because I wrote it down myself, and I wrote down what was said; that was, of course, not true in substance.

Q. It was not true in substance; that is what I want to know.

Now concerning the transfer to the Hague, I show you NI 10168, which will be for identification only, which is the judgment of the U.S. Circuit Court of Appeals, rendered in September, 1947, - I am sorry, - Exhibit 1898 for identification. Now if you will turn to the bottom of page 2, "Parties made arrangements,"—"But at that date, the outbreak of World War II had already occurred, and the parties made arrangements then for the transfer of stocks, patents and other properties to the American

interests. These latter transfers the Court adjudged to be sham, made with the intent of merely passing an apparent title against later possible seizure by the United States Government in the event of war, an event which the parties correctly foresaw, with beneficial ownership still in fact with the German corporation".

I just want to know, do you agree with that finding of fact, or don't you, or don't you know enough to say?

A. I should like to state about what I handled myself and this is the Buna patent. I do not hold that this statement is correct.

Q. That's all, Dr. Ter Meer. I just want to know whether you thought it was correct or not. Now, if you will turn to page 5. I won't read it. If you will just read the second paragraph under the heading "The District Court's Findings."

THE PRESIDENT: Mr. Prosecutor, the Tribunal would be unconcerned as to whether or not the witness agrees with the conclusion of some American Court. The only question is this to what he says the fact is. That's what we are concerned with.

MR. DUBOIS: That's right, Mr. President. These are not exactly conclusions. They are findings of fact.

THE PRESIDENT: Ask him as to the same facts but leave out of it the Circuit Court of Appeals judgment. We are unconcerned with that. That's wholly collateral to our enquiry.

Q. Well, I can ask the question. Although I thought this would be a simple way of asking. Do you agree, Dr. Ter Meer that these transactions were sham transactions designed to create an appearance of an American ownership which nevertheless continued to be regarded by the parties abroad as I.G.?

A. Where does it say that?

Q. I am just asking you this question; do you agree that those transactions at the Hague were sham transactions designed to create an appearance of American ownership because of the possibility of war in order that in the event of war the property would not be seized as German property?

A. The starting point of transferring the patent

right was in my opinion a fulfillment of the agreements with Standard Oil which was still possible then. On the second question, the protection of patents —

Q. I just wondered whether you agreed with that or not. Now, you will recall that in your testimony concerning your letter to State Secretary Brinckmann in October 1938 with respect to the location of Buna Works III, you explained a reference to not locating such plant in Upper Silesia because of troop deployments and you said, I believe, that you had first heard of this objection from Dr. Eckell, who in a conversation with you and Dr. Ambros had mentioned that no Four Year plants were to be erected because this terrain was needed for military purposes and that you had then brought this matter up in your discussion with Dr. Brinckmann. Can you tell us about when this conversation with Dr. Eckell took place and what else, if anything, he told you about this matter?

A. I cannot give you the date, of course.

Q. Approximately.

A. No, not even approximately. I have already explained this matter in my testimony. I have said that we no doubt received this information when the Reich Office required us to build a third Buna plant or rather the second at that time in Fuerstenberg. In the opinion of Dr. Ambros and myself this was an unfavorable location in the point of coal and calcium, why include shipping on a river which was frozen over for several months a year and has so little water that ships cannot be fully loaded. On that occasion Dr. Eckell, that is, probably after 1937, I think, Fuerstenberg was mentioned for the first time in Spring 1937 and he said to us that Four Year plants could not be built in this zone. That zone was approximately

the Province of Silesia but I cannot tell you exactly without a map. The zone was far beyond Breslau down the Oder.

Q. On the basis of what Mr. Eckell told you you made these comments at the meeting with Dr. Brinckmann; is that right?

A. From my knowledge that up to the time of the prohibition I took advantage of this discussion with Mr. Brinckmann what our consideration of private industry, the departure should be the proper place. First of all, that we shouldn't be pushed too much because we were planning better processes, that's in the letter, too -- and, second, since peace had been concluded at Munich, and I certainly believed in that peace otherwise I wouldn't have made that suggestion, that we would not be given permission to build a plant in Sudetenland or in Upper Silesia in a place which Mr. Eckell had already said was impossible.

Q. Let me show you Prosecution Exhibit 563, the one we are discussing, NI-4717. It's in Book 29 at page 11 and I want to ask you just one or two more questions, Dr. Ter Meer. That's all. Now, in that document first we have the reference that we have been discussing, "a better industrial site examined and proposed by us in Upper Silesia" -- this is beginning at the bottom -- "could not be considered as a troop deployment" -- I believe is the better translation -- "area against Czechoslovakia." Now, just preceding that under the heading "Buna Production in Germany" we also have this statement. "I, therefore, request of you not to allow the building of the Buna factories to be completely or predominately influenced by military interests now that immediate danger of war has been removed." Now, if you will also look at your Exhibit 74 in Book III. Now, you see the question and answer at the bottom of page

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7, Dr. Ter Meer?

A. Yes.

Q. "When did it become apparent to you or the members of the Vorstand of I.G. that Germany intended to go to war?" Answer: "I cannot answer that for other persons. I will answer for myself; when the war broke out we always were fully confident that the war would be avoided. We saw that in 1938 when the political situation became very severe that a conference in Munich brought up. The steps taken afterward by our government, the steps taken towards Czechoslovakia were very risky ones but we were still hopeful and confident that the war could be avoided just as it had been avoided in 1938." I would like to ask you this question; if this war, the danger of which you spoke about in your letter to Brinckmann as having been removed in the fall of 1938 and which you speak of here as having been avoided in the spring of 1938 had actually broken out at either time would you have regarded it as an aggressive or a defensive war on the part of Germany?

THE PRESIDENT: That's a matter for the Tribunal to determine. He may testify as to facts and in certain limits as to opinion but the ultimate determination is for the Tribunal.

MR. DUBOIS: May I just suggest, your Honor, several times during the course of his interrogation he has talked about not foreseeing and not expecting aggressive war. I am trying to judge what he means when he uses the word "aggressive."

THE PRESIDENT: The ruling will stand, counsel.

Q. All right. Now, I will just ask this question. I think you testified on direct examination "I never

"believed in the possibility of war." I wonder how you reconcile those statements with the statement that's in the Brinckmann letter and the statements we have just read?

THE PRESIDENT: Are you asking a question?

Q. I asked him how he reconciles the statement in his direct examination with the two statements I just showed him?

A. In the fall of 1938 there was doubtless the danger of war. There's no question of that.

THE PRESIDENT: Gentlemen, we shall have to suspend. There's no power on the firm machine. The Tribunal will recess until one thirty.

(A recess was taken).

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 18 February)

THE MARSHAL: The Tribunal is again in session.

MR. DUBOIS: I don't know where Dr. Berndt is at present. The last question was my final question of this witness. If Dr. Berndt went to talk to Dr. ter Meer during the recess so we have not withdrawn that question. (?) If Dr. ter Meer wants to comment on it he can do it through Cr. Berndt. But we are through.

THE PRESIDENT: Thank you. Do you wish, counsel to interrogate the witness or wait for Dr. Berndt?

DR. BORNEHANN: Dr. Berndt intends to do that.

THE PRESIDENT: You might step outside and see if you can find him.

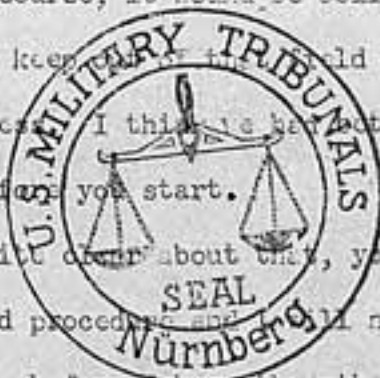
DR. BERNDT: Your Honor, --

THE PRESIDENT: The prosecution has concluded its cross examination, Dr. Berndt. Do you desire to interrogate the witness further?

DR. BERNDT: Yes, Your Honor, I have just a few questions.

THE PRESIDENT: Now, before you do that, doctor, we perhaps had better have an understanding about the scope of your examination. The Prosecution went into some phases of the field that may involve the second count of the indictment. You have heretofore said that you would withhold your examination in chief of your client until a later date. Now, you will necessarily have to decide as to whether or not you desire now to go into the phases brought out by the Prosecution as it related to the second count in which event, of course, it would be obligatory on you to conclude that phase of the case or keep it until such time as you desire to recall the witness. I think we had better have an understanding with you on that score before you start.

DR. BERNDT: I am quite clear about that, your Honor. I shall adhere to my previously announced procedure and I will not interrogate my client with respect to Count Two, before I have the other document books, in particular Dr. von Schnitzler's books. Consequently, I shall not touch



upon count two today.

THE PRESIDENT: Thank you. That's entirely satisfactory. You may proceed.

DR. BERNDT: First of all let me apologize to the Tribunal for being a few minutes late. An affidavit was handed to me which only arrived from America this morning.

THE PRESIDENT: That's entirely satisfactory, doctor.

DR. BERNDT: I have one more general question. Am I now in a position to call one of my colleagues, a co-defense counsel as a witness without the man in question being endangered that he be excluded from the proceedings as defense counsel after his examination?

THE PRESIDENT: I am not certain that I understand you. You wish to call a defendant to the stand?

DR. BERNDT: No, I want to call a defense counsel into the witness stand. I may perhaps do that. I can do that. I am allowed to do that. My only question is if such a defense counsel has been in the witness stand will he then be in a position to resume his office as defense counsel?

THE PRESIDENT: We see no reason why you may not do that. It's our view that that would not disqualify counsel from resuming his duties as counsel. You may call any one you see fit to the witness stand and in so far as it's a member of the staff of counsel we would not regard it as a disqualification of his right to continue to represent his client.

DR. BERNDT: Thank you very much. Before putting some questions to Dr. ter Meer I should like to state that I have understood the Tribunal to say that all those folders which were on the table which was before you a little while ago are not in evidence in this trial?

THE PRESIDENT: That's correct.

FRITZ TER MEER (Continued)

RE-DIRECT EXAMINATION (resumed)

BY DR. BERNDT:

Q. Dr. ter Meer, during your examination yesterday by Mr. Sprecher

he asked you to cite instances where other Vorstand members or other members of Farben had been obliged to keep matters secret also from you. You only gave us one instance and I wanted to ask you whether you know of any more instances? Whether you have thought of any more instances in the meantime?

A. Yes, I thought of a very typical example; around 1939, I can't give you the exact year, because I wasn't told, the Plant Uerdinger received a development order for Adamsite, a substance belonging to the field of chemical warfare agents. They received this order from the Army Ordnance Office. Subsequently, whether before or after the outbreak of the war I cannot say, they constructed a plant for the production of Adamsite at Uerdingen. Neither I nor Dr. Kuehnle to whose works combine this plant belonged was told by Director Haberland about this matter since no doubt he was obligated to keep this matter secret. I heard about this matter for the first time when I visited the Uerdingen plant. I don't remember when it was. I would assume, though, it was around 1941 when Dr. Haberland showed me this plant which wasn't yet in operation but was ready to proceed.

Q. Thank you very much. In cross examination the Prosecution submitted a record of minutes of the TEA meeting of 27 February 1939, Exhibit 1891. Have you got this document before you?

A. No.

Q. If I remember clearly you were asked about the numbers on the first line and you couldn't reply. Did you think of any explanation in the meantime?

A. No.

Q. Very well, no further question on that. One more question regarding air-raid protection with respect to your statement that gas-masks were only introduced after 1939; is that really true?

A. I said I assume so this morning and I don't know exactly.

Q. Exhibit 1896 was put before you. This was a lecture which you

held in 1941 allegedly before a Gauleiter. It's Exhibit 1896, page 13 of the original. Have you got this lecture before you? Did you receive the entire lecture?

A. I don't quite understand. Was it submitted to me in its entirety? Yes, I received the whole document.

Q. Do you have anything to say with respect to the part which wasn't submitted?

A. I naturally remember this lecture very well because I used it later in order to discuss the same subject on another occasion. It starts with a detailed description of how to acquire natural rubber in Brazil, on plantations, etc. There are many pages. Is that what you want to know?

Q. No. I only want to know one thing. I only know three pages which are excerpts from a long lecture. I can do nothing with documents which are only excerpts because these excerpts arbitrary. They are not in their proper text and that's why I must know whether I must ask the Prosecution to give me the entire document and then reserve the right that you discuss the other part of the lecture which I don't know.

R. SPOECHER: There is nothing unusual about this situation, Dr. Berndt. The witness had a copy, a photostatic copy, which represented the full speech, and the full speech in the German is the exhibit. If you want to submit any more extracts you always have that right.

DR. BERNDT: That may be quite so, but I doubt whether a witness who has been submitted a document of 20 pages would be in a position, in view of the short time which is given to him and because, naturally, he is somewhat excited in the stand, to give a clear statement. That is impossible. That is why I ask that he receive the lecture in its entirety and then speak about it later. The same is true, your Honor, of the next document. This has been submitted to him for the first time this morning and it's Exhibit 1898. This is the judgment concerning Standard Oil. It has 89 pages. I think it is quite out of the question that a witness to whom such an extensive file is handed should answer properly a question with respect to one detailed question.

THE PRESIDENT: That, Counsel, is a matter for you to determine. It may be that after you have familiarized yourself with the entire document you are satisfied with his questioning and his answers. As we understand the situation, the complete documents, in their original form, are available to you because they're in the files of the Tribunal. If you haven't had an opportunity since the conclusion of the prosecution's cross examination to examine them since they were offered, you should do that at the first opportunity and then take up the matter of asking an omitted question if you find it necessary. Are you familiar with the documents in their entirety?

DR. BERNDT: No. I only received them now.

THE PRESIDENT: Very well.

DR. BERNDT: I would be grateful to your Honor..... All I wanted to know, your Honor, is to reserve the right, in case it is necessary, to put more questions to Dr. ter Hoer about that document.

THE PRESIDENT: Now, Counsel... Did you desire to say something, Mr. Prosecutor?

MR. SPRECHER: Well, the only exhibit that's particularly long was the copy - it was Exhibit 1898 - the extract which was taken from the Circuit Court of Appeals decision. I think you made your position clear on that matter.

THE PRESIDENT: I don't think Dr. Berndt needs to worry himself with the decision of the Circuit Court of Appeal in view of the ruling the Tribunal made this morning. As we remember, the defendant was asked as to whether or not certain recitals in that opinion conformed to what he understood the facts to be and we ruled that the subject of the recital was a proper inquiry but we were not concerned in whether he did or did not agree with the Circuit Court of Appeals decision. So that matter is of no concern here.

Now, as to the other document, the lecture that Dr. ter Meer delivered, the situation is this. The prosecution offered excerpts from it. The entire document is in the files, available. You have said that since the conclusion of the cross examination - which we know closed at 12:15 - you have not had an opportunity to examine that document. If promptly - as promptly as practicable - you examine the document and you find that you want to ask an omitted question of Dr. ter Meer on redirect examination, and will do it promptly, the Tribunal would be inclined to grant you that consideration. We do not want to leave this as just an open matter or establishing precedents of examining defendants piecemeal, but, in view of the matter of time involved - and we know that this cross examination concluded at 12:15 - we'll grant you that consideration in this instance. If you will, during the day or by tomorrow morning, familiarize yourself with the document and determine whether or not you wish to recall Dr. ter Meer for some specific questions relating to that document only, we'll grant you that request.

BY DR. BERNDT:

Thank you very much, your Honor.

Q Dr. ter Meer, furthermore, you have been submitted a letter of March 7, 1944, which you had sent to Dr. Struss from Milano, Italy. The prosecution pointed out the first paragraph of that letter in particular. In my opinion, you have not answered their question exhaustively. Have you still got the excerpt before you?

A No, but I still remember it.

Q Let me give it to you just the same.

Your Honor, is this exhibit before the Tribunal? NI-14169,
Exhibit 1877.

THE PRESIDENT: No, it is not.

BY DR. BERNDT:

Q In that case, Dr. ter Meer, I think it would be better if you read the first paragraph of the letter to the Tribunal. Otherwise your explanation would not be understood.

A This paragraph reads, and I quote:

"This question is, of course, of immediate interest and Dr. Ambros urgently requests that Auschwitz be assisted. I have promised the latter that I would find out as soon as I arrived how the matter stands and that I would report about it. Unfortunately, I am not able to do this at this moment since no final decision has yet been made about the recruitment of chemical workers. The referent concerned of the G.B.A. (that is the plenipotentiary general for labor) with the staff for rearmament and war production and Lieutenant Colonel Kirschner and Dr. Deichmann are trying to issue a final decree about the compulsory recruitment of chemical workers during the course of this week. As soon as the wording of this decree is definite, I will see that you get a copy of it. I myself have, up to date, not yet been able to contact the three persons mentioned above. Perhaps you could telephone Mr. Wurster and Ambros to give them this provisional information.

Q Now, will you please explain this paragraph which you just read?

A Yes. The matter is quite clear. Around that time - March 1944 - there a regulation was pending regarding the recruitment of chemical workers from Italy. Responsible for this regulation was the representative for labor allocation with the staff of General Leyers. He and Lieutenant Colonel Kirschner and Dr. Deichmann wanted to issue a final decree about the recruitment of chemical workers as soon as possible. I myself had nothing at all to do with this matter. With

respect to the chemical plants which I was concerned with I rejected any interference regarding workers. But since there were other chemical enterprises in Upper Italy aside from the ones with which I was concerned and from which alone labor could be draw off, we had to take inot consideration that Italina chemical workers would go into Germany. Since I knew the scarcity of labor prevailing in Germany, I promised Mr. Wurster and Ambros before going to Italy in March on at the end of February, "as soon as any settlement has been made I shall inform you of it." This letter said "no settlement has yet been made and I can, therefore, give you no information as yet."

Q Very well. Can you say anything else regarding the further contents of this letter?

A No. The other part of this letter deals with questions which have nothing to do with foreign workers and the procurement of labor for Germany.

Q I think we can leave it at that.

Dr. ter Meer, have you got Exhibit 1892 before you? This is a letter Well, who sent it?

A It's from Dr. Ambros to me, of December 1936.

Q Could you please read the first paragraph?

A "As I already told you orally, on request of the raw material office we took over the assignment to draw up a production plan for the production of L-that's Lost - or mustard gas, and its preliminary products. We shall make the necessary suggestions for that matter."

Q That will suffice for the moment. Is it therefore correct that the raw material office gave the order for this work?

A Yes.

Q And how about the second line?

A Yes. It says here: "Upon request of the raw materials office."

Q In 1936 did Farben have any Lost process at all or were they only acquainted with preliminary products?

A In 1936 Farben only had the process with respect to preliminary products.

Q Why was Wittwer made available.

A That was done upon the request of the raw materials office because he was an expert for the production of these preliminary products.

Q Then, if I understood this letter correctly, on the strength of this order only preliminary products were to be made and not the chemical warfare agent itself?

A Mention is made of that in the latter part of the letter and I was asked about it this morning. In the one but last paragraph it is stated that in addition to the construction of the standby plants, the Amendorf plant was to start operating in order to build up stocks of Oxol. That's the preliminary product, and I stated that this morning. Dr. Ambros' recommendation in this case was not to produce the final product but the harmless preliminary product which was to be kept in stock.

Q Have you got Exhibit 1895 before you? That's a letter of 7 July 1938 regarding dead lines for Buna plants and it starts: "The mobilization plan provides....."

Would you be good enough to tell me what does it mean "the Mob plan provides"?

A It is my impression that the words Mob Plan have been inserted here erroneously. So far we have only spoken of Mob Plan in the sense of mobilization plans or planning. That is to say, planning which would automatically go into effect if a war came. Here, however, two dates are mentioned. One is 1940 and the other one is 1943. The first is 1 July 1940 and the exact date for 1943. Therefore, the words "Mob Plan" cannot have been used in the usual sense. It is my opinion that the word "Mob Plan" should properly be substituted here by "production plan".

Q I think that your explanation is correct. Buna production, of course, has nothing to do with Mob Plan, has it? With Mob Plan in the usual sense of mobilization planning.

A No, the Buna plants also had Mob Plans. They were told that in the case of mobilization "you have to produce to your full extent." On that basis they asked for deferment of workers, allocation of fuel, for raw materials, etc. That was true of the entire industry.

Q Quite true. That was true of the entire industry.

Now, let me point to page 3. What is the limitation which Dr. Ambros makes there? That is the second paragraph from the top.

A I could only skip over this memorandum this morning and the entire sense of this memorandum was to tell this Reich office for German Raw Materials and Synthetics - to show them that the dates have been laid down far too strictly; that such dates cannot be achieved and that we could not use the new Reppe process, etc. In other words, Dr. Ambros has expressed here very clearly that, on the one hand, he thought that these dates could not be reached and, on the other hand, one can deduce from his statements that he regrets that everything is being pushed ahead so much. The same applies to the third plant, Fuerstenberg, which actually

was not constructed.

Q An affidavit by Dr. Struss has then been submitted to you.
Exhibit 1876. You know which one I mean?

A Yes.

Q You know that a long interrogation is attached to that exhibit.
Have you read this interrogation?

A No, I just flew over it, but I couldn't read it.

Q This interrogation is rather extensive. It comprises 17 $\frac{1}{2}$ pages
and it is extremely enlightening. It concerns utterances of Dr. Struss
about your knowledge and Dr. Ambros' knowledge. My colleague, Dr. Hoff-
mann, already stated that we shall hear Dr. Struss as a witness here
because of these statements. I think that that is absolutely necessary
and I think that I'm in agreement with the Tribunal if I suggest that we
only hear this witness, Dr. Struss, after having heard Dr. Ambros. Then,
we shall know,.....

THE PRESIDENT: Dr. Berndt, that is a matter that need not consume
time here. You can arrange to have Dr. Struss produced whenever you
desire. Any time in the course of the trial. It's not necessary to
discuss that matter.

DR. BERNDT: Your Honor, in this affidavit Dr. Ter Meer, as well
as Dr. Ambros, is charged particularly severely. I think it will be
necessary that if we hear the witness we deal with the entire complex
together. Therefore, I assume it would be better if we do that after
Dr. Ambros' examination.

THE PRESIDENT: That document is now before the Tribunal in its
entirety. Dr. Ambros will have an opportunity to express his views with
respect to it., if and when he becomes a witness. Your client is on the
stand. If you wish to ask him about anything in that affidavit, now is
the time and this is the place for that. So just proceed to interrogate
him about anything within the four corners of the affidavit.

DR. BERNDT: Your Honor, I am in a dilemma. In order not to submit
everything I would have to ask Dr. Ter Meer to read through this

interrogation first. It has been submitted into evidence as an exhibit.

THE PRESIDENT: That is correct. It has been submitted in evidence as an exhibit and, in that respect it is an entirely different situation than the one you had a little while ago where the prosecution offered part of an exhibit - part of a document, I should say, and the other part is not before the Tribunal. This is just one of the vicissitudes of a law suit that the witness has been interrogated to some extent about a document that is now before the Tribunal and it will be necessary for you to interrogate him to whatever extent you wish concerning it.

DR. BERNDT: This interrogation bears the same NI number, 12610. If I'm not mistaken, the entire document has been submitted to the Tribunal. The affidavit of Dr. Struss, together with the interrogation which has been carried out by Mr. Amchan.

MR. SPRECHER: Mr. President, I want to some pains to see that quite a number of defense counsel would get copies of this affidavit, together with the attached interrogation, yesterday. Now, if there are parts of it about which Dr. Berndt or other counsel wish to cross examine Dr. Ter Meer they should just point those points out to him and have him read those parts. I don't see any necessity to have him do a reading exercise here in the court room.

THE PRESIDENT: We understand that this affidavit was offered in the course of the prosecution's cross examination of this defendant. His attention was directed to particular parts of it. Those are the parts which are before the Tribunal. We're not concerned with the affidavit as such, but we are concerned only with those parts which were called to the attention of Dr. Ter Meer and with respect to which he testified. Now you have the same privilege. You can go over the territory which the prosecution went over and examine him as to the parts he was asked about, and since the document is in your hand, if you wish to call our attention to other parts and have him comment on them and have him express his views you are entitled to do that. That's just the situation we are in. We are not confronted with the problem we had a bit ago

when you did not have before you the entire document until it was brought in here in the course of the cross examination.

MR. SPRECHER: Mr. President, we introduced it and thereby meant to introduce all the document, after our cross examination on that point had been completed, because defense counsel preferred that happen now so that they would have a chance to have Dr. Struss brought here earlier. That is why I asked you specifically to be sure that all defense counsel had no objections at the time.

BY DR. BLANDT:

Q Dr. Tar Meier, in this interrogation, Dr. Struss is being asked about what he knew of Auschwitz. Do you know that Dr. Struss was at Auschwitz?

A Yes, I know that.

Q Do you know how often he was there and when he was there?

A I neither know how often he was there nor when he was there, but I know that he was there.

Q After his return from Auschwitz did Dr. Struss tell you what he had seen at Auschwitz or what he had learned about it? I am not now talking about technical matters concerning Buna.

A I cannot remember any conversation with Dr. Struss about which I would still know any details. Neither about technical matters nor labor nor concentration camp matters. On the other hand, it was customary that if Dr. Struss returned from a journey he would talk to me about his affairs and I assume that he did so at the time.

Q Do you remember -- does it bring anything to your mind, -- if I put it to you that Dr. Struss told you something about the conversation which he had on the train on his return to Auschwitz with a worker?

A No, I don't remember that.

Q Can you perhaps remember if I gave you the contents of the conversation, if I tell you that that man in the train had said that people are being burned at Auschwitz and that in the buna factory of Farben there were 10,000 men and that all these 10,000 knew of it?

A I don't remember it.

Q Do you know an Oberingenieur Heydebrock?

A I know that an Oberingenieur Heydebrock was active in the construction of the Auschwitz plant, and I believe that I saw him on the occasion of my second visit.

Q Did Dr. Struss tell you, after a visit in the summer of 1943, to Auschwitz, about a conversation which he, Struss, had with Heydebrock and did Struss tell you about what was said?

A I don't remember at all.

Q Dr. Struss said that he discussed this conversation with ter Meer, Ambros, Lameth, and Dr. Loehr.

A I can only reply as far as I am concerned. I don't remember any such conversation about any such subject as I said before. I am convinced that no such conversation had taken place with me. Nor do I believe that there was any such conversation with Dr. Ambros because I would either have approached him or he would have approached me.

Q Since you are giving us such clear answers, I have no further occasion to ask you about that subject before Dr. Struss's examination here. As I said before, Dr. Struss has also stated that he had informed Dr. Loehr about it. I have an affidavit here before me of Dr. Loehr in which Dr. Loehr states that he can't remember at all, at any time, before April 1945, having heard of these atrocities at Auschwitz.

THE PRESIDENT: It's not necessary, Doctor, for you to take the time to make these statements to the Tribunal. The proper procedure would be for you in due course to offer the affidavit into evidence and it would then speak for itself.

DR. BERNDT: I can only offer it for identification, because it hasn't been translated yet into the English language.

THE PRESIDENT: We grant you the same privileges as we have the prosecution. You may give it a number, have it marked for identification, have it translated and processed and make your distribution later.

MR. SPRECHER: We will have no objection to its going in evidence subject to objection in case we should have any, after we have gotten the translation.

THE PRESIDENT: Very well. Then what is the number of the exhibit? What number will it bear?

DR. BERNDT: Exhibit 238.

THE PRESIDENT: And what is the name of the affiant?

DR. BERNDT: The affiant is Dr. Oskar Loehr.

THE PRESIDENT: Then that exhibit is in evidence before the Tribunal, but you have the responsibility of seeing that it is duly translated, processed, and distributed in accordance with the regular practice.

DR. BERNDT: I see.

BY DR. BERNDT:

Q I have another question which concerns a folder which is before me. I don't know how that comes into it, but Dr. ter Meer, you have had this folder before you yesterday, haven't you?

THE PRESIDENT: Dr. Berndt, would you mind stating the exhibit number of that. If you do not have it, the prosecution will give it to you because otherwise we can not identify it in the transcript.

DR. BERNDT: This is Exhibit 1888.

THE PRESIDENT: Go ahead.

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BY DR. BERNDT:

Q On this file cover there is a label with a circle on it and

above it "France 1940-41," and beyond that "In the woods, there are the robbers, 23 July 1941." Would you please tell us what the circle means.

A This is the circle of the student corps to which I belonged.

Q And what student association was it?

A It was "Svevia of Tuebingen".

Q And why did you paint this circle on a file cover?

A I believe that the circle belongs to the rest or vice versa.

Q I don't quite follow you. I don't know what the rest is supposed to be.

A The words which were quoted yesterday and which are on the file cover are the beginning of a refrain of a very well know hit song which was written in the twenties and was on the stage in Berlin for years. This refrain of the song, whenever I was together with gay friends or sang student songs of an evening was a favorite of mine. I always repeated it.

Q When you were in France in the summer of 1941, on that evening in July, were you very gay and were you singing songs?

A The night before we had been in some garden cafe outside Paris, and because it was very hot we stayed out there quite a bit and when the other guests had left we were left alone in this garden and the hour was quite late and we started singing student songs and on the way back I specifically have been singing over and over again this very nice refrain. On the next morning during the meeting I scribbled on the file cover -- this is a bad habit of mine -- and I wrote the verse on it. I either showed it to Dr. Ambros or one of the other gentlemen who were there with me. That was supposed to have been a joke.

Q And how about today?

A What do you mean today?

Q Well today this file cover is submitted to you as a piece of evidence -- I have no further questions.

DR. GIERLICH: ---

THE PRESIDENT: Pardon me Dr. Gierlichs, I should like to say something to Dr. Brandt if I may. Now, Dr. Brandt, we understand that you will advise the Tribunal by tomorrow morning as to whether you desire to then recall Dr. ter Meer for further re-direct examination with reference to his lecture, parts of which are in evidence as the Prosecution Exhibit 1896.

DR. BERNDT: Yes, your Honor, I can give you that statement tomorrow morning.

THE PRESIDENT: Then one thing further. We will ask you to keep in touch with Judge Hebert relative to the time when you will be prepared to recall Dr. ter Meer for examination-in-chief relative to Count II of the indictment. Will you do that?

DR. BERNDT: Yes, your Honor.

THE PRESIDENT: Very well.

DR. BORNEMANN: The Secretary General asked me to state for the record that Exhibit ter Meer 238 is Document Number 77, ter Meer.

THE PRESIDENT: Thank you very much.

BY DR. GIERLICH: (Counsel for the defendant Schmitz)

Q Dr. ter Meer, with respect to the TEA minutes submitted this morning, NI 14230, you have clarified, when asked by Mr. Sorecher, that not three gentlemen of DAG, but only Dr. Paul Mueller, is referred to as the recipient of these minutes. Under these circumstances does the fact that Dr. Mueller appears as the recipient of these minutes give you any hint that all the requests with respect to the new installations went over the TEA Office even as far as DAG was concerned?

A No, I already explained that this morning. The credit requests for stand-by plants did not go to the TEA. No money had to be appropriated. These were Reich owned plants. Only other appropriations went over the TEA.

Q Dr. ter Meer, we are not here concerned with credit appropriations. We are concerned with appropriations with respect to these MOX and GS numbers.

A No, that is an error. We are here concerned with the orderly procedure in the TEA where credits were appropriated to various plants. When discussing this subject Dr. Struss said -- and he always made introductory statements and general explanations before going over to the figures -- that the credits which were to be presented fell to 80 percent within special numbers. The TEA didn't have to approve any such numbers. That was a matter for the authorities.

Q This morning you were asked with respect to Document NI 2638 about the extent to which Vermittlungsstelle-W would also concern itself with the DAG. This document is a report of the Vermittlungsstelle and it shows that in the decisive field of the development work, an inclusion of Vermittlungsstelle-W with respect to DAG is not to come about however, that this is envisaged insofar as raw material procurement is concerned. Would you please once more clarify how, as far as you know, the practical handling of that matter was? Did the DAG in practice make use of Vermittlungsstelle-W?

A I can give you no exact information on that. I can only repeat what I already said this morning. I said that from the documents which

were submitted by the prosecution and which are numerous letters and circulars and reports about discussions, I would conclude that DAG did not make use of the Vermittlungsstelle-W and if they did, only in exceptional cases. That is all I can say.

Q Do you know, Dr. ter Meer, whether the DAG had its own similar office in Berlin, similar to Vermittlungsstelle-W?

A I know that. I know that DAG had an office in Berlin, and an affidavit of the certain Mr. Ringleb has been submitted here, who worked in that office.

Q Thank you very much. This morning you then mentioned, in connection with the DAG subject, that the DAG also produced certain amounts of military powder and explosives for the equipment of the 100,000 man army. Was that an assumption on your part or is that positive knowledge?

A No, that was an assumption on my part.

Q If I put to you then that in an affidavit which has been submitted here by Dr. Schindler ---

MR. SPRECHER: Objection.

THE PRESIDENT: Let counsel finish his question.

Q In which the development of production of military powder and military explosives from 1930 to 1945 is depicted and which proves that neither in the field of military powder nor in the field of military explosives there was any DAG production before 1933, would that give you occasion to correct your statement of this morning? May I state for the record that we are here concerned with the affidavit of Heinrich Schindler, DAG Document Book Number 1, Document DAG 1312, page 59.

MR. SPRECHER: Mr. President, I object not merely to this question, but request instruction from the Court. Dr. Gierlichs knows from your prior practice, I believe, that this type of question which is to refer either to something -- a contradictory affidavit or something like that -- and then say if this is laid before you does it make some kind of difference, is entirely wrong and I am asking not merely for an objection

to this question be sustained but that a similar practice be discouraged in the future because of the time it takes and I think counsel knows that it's an improper question.

THE PRESIDENT: Well, the ruling of the Tribunal on an objectionable question is an indication that the Tribunal would probably rule likewise in another instance, and is enough notice to counsel not to pursue a matter of that kind again. Now, as we understand this situation, and I am not sure that I did understand it, he has disclaimed any knowledge of the subject about which you are now inquiring. You are asking him now a question predicated on the facts stated by an affiant in an affidavit on the same subject. Here is what we understand the practice to be. If he states certain facts, -- I mean the witness -- and you have an affidavit that states the facts otherwise, you may use the affidavit to refresh his recollection to determine whether he stands on his answer or not, if the other affidavit is before the Tribunal and in evidence. But where he has said he doesn't know anything about it there is no point to bring in the other affidavit because the other affidavit speaks for itself and if we correctly understand the situation here, this objection should be sustained. I think we do. If we do not you may correct us. But, in other words, having said he doesn't know there is no point in confronting him with the affidavit of someone who says he does know. The affidavit last referred to just speaks for itself. He says he doesn't know so there is no use pursuing that inquiry.

DR. GIERLICH: Your Honors, I am very grateful for your instruction, but in view of Mr. Sprecher's remarks would you permit me to make a statement. I don't think that I attempted to influence the witness in an improper way. I have asked first what he knew positively and he did not answer that he did not know, but he gave me the answer that it was an assumption of his and not positive knowledge. I thought that by putting to him the proper affidavit in evidence I was moving along the same lines as the prosecution did all the time when cross-examining this morning. They were pointing to various events and they tried to refresh

the memory of the witness by doing that. That is how the matter stands.

THE PRESIDENT: There is no reason for counsel to feel that he has done anything improper. I dare say that if your conduct would be judged in every instance by the fact that the Tribunal may at some time have ruled against you, you would all be in very bad graces and we do not indulge any such presumptions on the part of the counsel for the defense or the prosecution.

BY DR. GIERLICH:

Q Dr. ter Meer, one question regarding the Chemnyco letter of the year 1934 which Mr. Dubois has mentioned this morning and in which it was stated that the Chemnyco at the moment should not tell the American partner that there was certain difficulties concerning exchanges of experiences. Would you please explain to us the purpose of this letter. Was this letter meant to be a final or only a temporary measure?

A As far as I remember the contents of this letter, we are here concerned with a provisional information by Chemnyco. Then one didn't know in Germany how matters would turn out because we were concerned with the new bill, economic high treason, and we didn't know exactly what its consequences would be.

Q Then I understand you to say that you only intended to give some sort of an indication with this letter which was to bridge over the matter until such time as the legal situation in Germany was clarified?

A As far as I remember the situation that was the meaning and purpose of the letter.

Q Now, my last question in connection with the buna "know-how" which was discussed this morning. I don't want to go into the details of this buna question but I only want to ask you about the general aspect of the procedures with respect to permission in this field and in other fields. Did any such prohibition, if it was issued in this or another field concerning f.r. foreign currency or other spheres, did this prohibition mean a rigid rule or what was the sense of it?

A These were regulations which were to be considered as being very clear and rigid, but which on the other hand did not exclude the possibility of circumventing them under certain circumstances, and that was done when we concluded an agreement abroad. In America, for instance, I negotiated about contracts, I drew them up and finished them short of the signatures and then only asked for approval, for permits, and mostly did get such permits without too much difficulty. I know that starting from approximately, 1938 I am quite sure about the contract with the firm DuPont about nylon in 1939, when DuPont itself suggested to include a reservation into the contract valid for both parties which would take into consideration governmental directives on both sides and it stated that obligations would no longer be valid if the approval of any one government would be withdrawn. Such a reservation is included in the nylon agreement of 1939 valid for both parties. That means that in the United States at that time similar provisions by the government must have existed.

Q Then I understand you to say that it was expedient and customary to approach the governmental agencies for approval for such procedure, be it the exchange of experiences or anything else, only at such time when one already was informed about the extent and the conditions relating to this exchange of experience because otherwise one would not be able to get permission, not being able to give any specific information?

A Yes, that is true. I have explained it this morning when talking about Buna. Up to a certain point, one could not discuss any procedure because there was no basis for discussion. Only when it moved up more tangibly could one start to approach the government.

Q Thank you very much. I have no further questions.

BY DR. WAGNER (Counsel for defendant Wurster):

Q I have a few questions with respect to Aussig-Falkenau regarding Count 1 and Count 2 of the indictment.

Dr. Ter Meer, when asked by counsel for the Prosecution, Mr. Sprecher, you have stated that you recommended Dr. Wurster as the commissar for Aussig-Falkenau. My question is this: Was Dr. Wurster then appointed commissar for Aussig-Falkenau?

A He never became commissar. Whether he was theoretically appointed as such by the Reich Ministry of Economics, or not, I don't remember. But he didn't get the job because in his place a man from Falkenau was taken, his name was Dr. Brunner, I think.

Q In other words, he was not appointed commissar?

A No, he never became commissar.

Q Having recommended Dr. Wurster for that position, did you contact him? Did you discuss that matter with him? Or did you even for his approval to that recommendation?

A No, I did not do that.

Q No, you did not?

A No, I did not.

Q Am I then right in saying that Dr. Wurster bears no responsi-

bility at all for being recommended by you as commissar of Aussig-Falkenau?

A Dr. Wurster had nothing at all to do with that. That was my initiative.

Q Thank you very much.

THE PRESIDENT: Anything further from counsel for the defendants? If not, subject to the reservations that Dr. Berndt made and the Tribunal has granted, the examination and cross-examination of Dr. Ter Meer is concluded. You may leave the witness box, Dr. Ter Meer.

Dr. Dix, are you ready to proceed with the presentation on behalf of the defendant Schneider?

DR. HELMUT DIX (Counsel for defendant Schneider): My first seven document books deal basically with the question of foreign workers and contain numerous laws and provisions on that matter. They do not deal with the conditions in the individual plants. This will be explained by those Defense counsel who represent the gentlemen who were responsible for the individual plants. Accordingly, my document books 9 and 10 deal in particular with the Leuna plant. Document Book 8 contains mainly documents referring to Schneider's personality, and referring to problems in connection with Count 1 of the indictment.

I intend to start my presentation of evidence by calling Dr. Schneider to the witness stand and to ask him about his personal career, and then I intend to submit one document book with respect to his personality and Count 1. I think that it would be best if I started now with Mr. Schneider's examination.

THE PRESIDENT: The defendant Schneider may take the witness stand.

(CHRISTIAN SCHNEIDER, a witness, took the stand and testified as follows)

THE PRESIDENT: Will you please raise your right hand, say "I", and state your full name for the record?

WITNESS: I, Christian Schneider.

THE PRESIDENT: Now repeat after me the oath: ...swear by God, the

Almighty and Omniscient, that I will speak the pure truth and will add and withhold nothing. (The witness repeated the oath). You may be seated,

DIRECT EXAMINATION

CHRISTIAN SCHNEIDER

BY DR. DIX:

Q First, Dr. Schneider, would you please briefly describe your position in Farben after 1933? I think that will bring us up to the time for recess.

A In 1933 I was a deputy Vorstand member in the I.G. Farbenindustrie and deputy business manager of the Leunawerke of Merseburg G.m.b.H. In the latter position I was coordinated with Dr. Dehnelt, the then head of the Leuna plant. It was my duty to take care of the technical running of the Leuna plant, but when the management was taken over by the Vertrauensrat I was also entrusted, representing Dr. Dehnelt, with questions concerning the social care for the plant. After Dr. Dehnelt left because of sickness, in 1936, I took over the entire management of the plant as plant leader and business manager. In my capacity as deputy Vorstand member in Farben, I participated in the meetings of the Working Committee and the Technical Committee without, however, being a proper member of these circles.

When Dr. Salck left at the end of 1937, I became his successor and I became Hauptbetriebsführer, or chief of plant leaders of Farben, and simultaneously the head of the advisory counsel of the enterprises; of the so-called plant leader conferences. For that reason I was then appointed as a proper Vorstand member and I was called into the Central Committee. At the same time I also became a proper member of the Technical Committee.

When Prof. Krauch was transferred to the Office for Raw & Synthetic Materials, I represented him in 1936 in the field of Sparte 1, where I took over its leadership. The independent leadership of Sparte 1, to which nitrogen, coal, and oil belonged, was taken over by me in the

spring of 1939. The oil department of this Sparte, without leaving the entire field of the Sparte, was then dealt with by Dr. Buestefisch in a responsible position. The coal department at an earlier date was independent and under independent leadership; that was Bergwerksdirektor Dr. Scharf. For financial reasons it was affiliated with Sparte 1.

These were my positions before the outbreak of war. During the war this situation did not change, with one exception. In the spring of 1940 I became Hauptabwehrbeauftragter of Farben. After the American Army occupied Leuna I remained in my position as plant leader, and on the 22d of June, 1945, by order of the American Military Government, I was, together with other scientists and technical experts, evacuated to the American Zone.

Q That brings us to the conclusion of that chapter.

THE PRESIDENT: The Tribunal will take its recess at this time.

(A recess was taken.)

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

THE PRESIDENT: You may proceed.

DIRECT EXAMINATION (continued)

DR. CHRISTIAN SCHNEIDER

BY DR. DIX:

Q. Please tell us briefly, Dr. Schneider, about your relationship with the NSDAP.

A. I never took any active part in politics. I was completely devoted to my profession. I was connected with the German Peoples Party. "Deutsche Volkspartei", and voted for it in the elections. I, together with the management of Louna distrusted the National Socialist Party. After Hitler's seizure of power, the plant, probably because of this attitude, was in a very difficult position. The measures of the party and its organizations which were soon put into force, especially the complete reorganization of the relationship with the employees, the interference of the DAF, German Labor Front, and particularly of its subdivision, the so-called NSBO, National Socialist Plant Organization, N.S. Betriebsorganisation, which played a special role in Louna; severely affected my colleague, the head of the Louna Plant, Dehnol, .

This brought about many altercations with the party. No member of the Plant management, - I include the management and the "Procurator", - were members of the Party at the time. It was soon realized, however, that in view of the rapid development of the authoritative and uncompromising character of the Party, serious resistance to its measures would not only bring about personal disadvantages, but would also bring disadvantages for the Plant, which was entrusted to us.

It therefore, in the course of time, seemed wise to us, and tactically more expedient, to find a modus vivendi with the party and its organizations, which would permit a more or less tolerable relationship, which would permit us to retain control of the plant, and to be able better to oppose excesses.

Even though I considered many party measures, such as intolerance in

the church, and racial questions, the destruction of trade unions, the destruction of most of the institutions of the existing state, wrong and as opposed to my inner feelings I must nevertheless admit that the way in which the unemployment problem and the improvement of the economic situation were attacked and the problem solved, impressed me very much. As plant manager, and a technical man who had observed the difficulties and bad effects of the depression before 1933, who had had to send 15,000 of the employees into the street, and who had had to face the danger of closing down the big Leuna Plant completely, on such a man this aspect of the National Socialist Party had to make an impression.

The sensible measures taken with respect to food too, and disregarding all of the propaganda, if one considers the measures of the DAF in the social field, which in many respects solved the traditional social problems of Farben, one could not refuse to give recognition.

When therefore in 1937, the Kreisleiter of the NSDAP in Merseburg approached me, when the entry into the party was no longer blocked, and asked me to become a party member, when he said, "It is impossible for a manager of such a large plant as the Leuna Plant to remain out of the Party permanently, "I could not refuse. These were not, however, reasons of ideology, but of expediency, which impelled me to take this step.

Even before I entered the Party, it was not possible for me as Plant Manager of Leuna to avoid joining certain party organizations which did not require party membership. For example I was a member of the DAF, the NSV, the NSKK, the NSFK and various other organizations in sports or in the professional field.

I was also a sponsoring member of the SS from the year 1933 or perhaps '34, on. I am not sure of the exact time. A Higher SS Officer came to the Plant Manager of the factory, Dr. Dohnel, and tried to influence him, tried to persuade him that the management of Leuna should be entered as sponsoring members. He said that a large number of heads of other economic enterprises had already been recruited. Dr. Dohnel came to me, among others, and suggested that we should submit to this request.

As I have said, we were in a tense relationship with the Party, and it was again reasons of expediency which finally induced us to become sponsoring members of this organization.

We expected certain protection in this, but that there were no other reasons than this, is shown alone by the opposition of Dr. Dohnel to the NSDAP in general, as can be seen from Prosecution Exhibit 258, Document 10. As to the significance, and the later development of the tendencies of the SS, we had no idea, then. We never considered ourselves members of the SS. We did not take any oath. We did not attend any SS meetings. All we did was that every month our secretaries paid the dues.

If we had left the organization later that would certainly have been considered an affront and would have brought about greater difficulties and disadvantages than if we had never joined at all, especially since at that time there was enormous tension between the Gestapo and the management of the Louna, as will be seen in the further presentation of evidence.

In the Party too, and its affiliated organizations, I never held any office, but as Plant Manager of Louna I could not refuse the request of the Gauleiter or the Gauehrmann, to cooperate on various committees of the Gau in the interests of Farben and my plant.

As a member of the circles of economic leaders of the Gauleiter, the Chamber of Labor, the leader circle of employers; the economic advisory council, and the Chemistry Committee of the Gauleiter of the DAF, however without any official function, and without any oath, the head of the Chemistry Department of the German Labor Front sent me a request on behalf of Dr. Ley, which I refused because I did not want to subordinate myself to the Party discipline.

I incurred the displeasure of Dr. Ley and there was serious difficulties with the German Labor Front in questions of professional training, and I cite the fact that I was later removed as head of the Social Committee of the Economic Group Chemical Industry.

This, I know for certain was at the request of the DAF. This I believe was in part due to those circumstances.

Q. Then you are finished with those personal questions, Dr. Schmolder?

A. Yes.

DR. DIX: I shall now begin with the presentation of documents in Book 8. These are documents regarding the personal affairs and to Count I.

THE PRESIDENT: I am afraid you will have to bear with us a moment, Dr. Dix. I do not believe we have that volume. What other books will you need today?

DR. DIX: To-day, only No. 8.

THE PRESIDENT: Page, go to our offices and see if those books are available. We have enough books, that we need not delay you, Dr. Dix, and you may go along.

DR. DIX: As Exhibit 2, Exhibit No. 1 has been used earlier, Exhibit 2, I offer Document 206, an affidavit of D. Zorn, director of the Research Laboratory in Leuna. I refer to the document itself for a description of the person of Dr. Schneider. Zorn emphasizes the reticent and just personality of Dr. Schneider, and his great interest in the welfare of the workers, particularly the foreign workers.

Then I offer document 192, as Exhibit 3. This is an affidavit of Dr. Sabol, formerly Department Chief in Leuna, on approximately the same subject. It also applies to Counts I and III, however. I do not intend to quote frequently. I should like, however, to have permission to make a few quotations, and one of them is in this case.

Dr. Sabol says on page 2 of the German text:

"I recall a number of cases when Dr. Schneider threw all of the weight of his position in the cause of non-party members when the latter were persecuted by the Gestapo. As an example I would mention a foreman in my department who was locked up by the Gestapo for a few months on account of his anti-Hitler attitude and whose continued employment in the works was forbidden, (Master workman Janoschka Winkler installation). After about a year, Dr. Schneider personally reinstated this foreman, granting him his old rights in full."

"As a further example I would mention a Chief-foreman of my Department,

Chief foreman, Gasfabrik) who was to be punished because of his anti-nazi attitude by the Plant Shop Committee, and who was to be removed from his important position. When the Betriebsfuehrer (plant leader) concerned and I remonstrated, Dr. Schneider resolved not to give in to the suggestions of the Shop Committee, and to protect the Chief foreman in his position, in opposition to the Shop Committee.

As a further example I mention myself. Dr. Schneider supported me with all of the means at his disposal when the Gestapo persecuted me because I did not allow my children to join the Hitler Youth because of my aversion to the trend of the times. I am convinced that I escaped a second arrest by the Gestapo mainly because of the stand taken by Dr. Schneider, apart from my own caution.

During the war, the Leuna Plant particularly was allocated conscripted labor and foreign workers. Just as Dr. Schneider had up to then taken care of the old workers, he took an interest in the housing and care of these new workers. Around Leuna a number of workers' camps were built, three of which I know very well from official contact with them. One camp for German and Austrian conscripted workers, and a number of Russian women were housed in a separate barracks, one camp for young people and one camp for Yugoslavs. These three camps were models in every respect and that goes for accommodations, beds, linen and sanitary installations, as well as for entertainment during free time.

Feeding was considerably better than the standard of feeding of the German normal consumer at that time. I can form an opinion on these conditions because during the First World War I had to live for four years in the most varied communal quarters.

I remember many a discussion in which Dr. Schneider personally gave instructions for the scrupulous care of the foreign workers. Apart from that, I know that it was at the instigation of Dr. Schneider when towards the end of the war the so-called E-prisoners were employed in the works and that the SS Fuehrung in Halle was induced to

grant these people better veeding and longer sleeping hours."

As Exhibit 4, I offer Document 193 which is an affidavit of Dr. Hans Sauer, formerly of Leuna. I shall give a brief quotation from this document, which will be the last quotation from this book. This is page 4 of the document.

"I was accidentally a witness of his violent reaction when he learned that a foreign worker was supposed to have been beaten by a member of the factory guards. Dr. Schneider immediately threw all of the weight of his personality into an effort to prevent a recurrence of a thing of the kind. From time to time, too, Herr Schneider personally visited the camps where the workers resided which were of necessity always on the increase, when he went into the rooms and questioned camp inmates and again and again exerted himself in favor of orderly treatment of the male and female workers of all nationalities.

When, after the big air attacks on Leuna, almost all the staff had to be taken to and fro with buses, Herr Schneider, for instances, frequently made his appearance when the buses were being boarded, to put an end to abuses he had heard of. All this was in keeping with his inner attitude as well as the marked sense of justice of Herr Schneider and his contention that only a decently treated and contented man can do regular and productive work".

I now offer Exhibit 5, Document 153. This is an affidavit of Dr. Bertrams, former associate of Schneider in social policy matters of Farben. He speaks on the same subject, especially Schneider's great social understanding. Then on the above mentioned conflict with the German Labor Front because of vocational training questions that have been mentioned.

Document 181 will be Exhibit 6. This is a statement of Dr. Herold of Leuna in 1946 on Dr. Schneider's person. It was not possible to get this statement in the form of an affidavit in view of the difficulties of getting evidence in the Eastern zone. I leave the judgment of the value of this document to the Tribunal. I now offer Document 21 as Exhibit 7, an affidavit of Dr. Schaumburg, Director of the Legal Department in Leuna, on Schneider's person. The document indicates that when Schaumburg was arrested by the Gestapo that Schneider took his part very unselfishly. The next document is by the vice-president of the Chamber of Industry and Commerce, Halle, Buesching, of the year 1945. This is Document 168, Exhibit 8. It speaks of Schneider's re-election a vice-president of this chamber with the approval of the American authorities in May 1945. The certificate refers to the fact that in Schneider's case no function was connected with the title of Wehrwirtschaftsfuehrer. In the case of the head of such a large plant it is significant that after the occupation he was left in charge of his office. Exhibit 9 will be Document 174, a certificate by the Community Church Council of the Evangelical church in Leuna according to which Schneider in spite of the conflicts between church and party and the resignation of other members from the church council, he remained a member of the Church Council.

from 1936 to 1945. Anyone who knows conditions in Germany knows what that means.

As Exhibit 10 I offer Document 202. This is an affidavit of all the persons employed at Schneider's estate. I offer this statement because it is something rather unusual for persons in such a position living in the Eastern Zone are willing to make such a statement. Unfortunately, for the reasons I have mentioned it wasn't possible to certify the signatures. Exhibit 11 is Document 134, an affidavit of Dr. Holdermann on the patented inventions of Dr. Schneider alone and with others. The patent documents are attached to the original. These are not offered in evidence. They are not important and would be an unnecessary burden on the translating staff. Exhibit 12, Document 140, two minutes of nitrogen meetings in 1932. In this connection I refer to Exhibit 258 in Prosecution Document Book 10, and this is an affidavit which states that it wasn't until the beginning of 1933 immediately before the seizure of power that Leuna engaged workers again. At the end of 1932 they dismissed a number of workers in order to make the masses ready for National Socialism. These minutes show that as early as the fall of 1932 in Oppau and Leuna people were being hired. I now offer a number of documents without comment since Dr. Schneider will comment on them. Document 158 will be Exhibit 13; document 116 as Exhibit 14; Document 117 as Exhibit 15. In this one book we have the original. I have to hold that back. We will replace it later with a copy or a photostat if the Tribunal permits.

Document 159 will be Exhibit 16. Perhaps I may clarify one point. To Documents 158 and 159 there are three charts attached. I hope that these charts are included in the Tribunal's copies. They are about pages 33 and 41 in the

German. Then follows Document 189.

THE PRESIDENT: Pardon me, Dr. Dix. I believe only Judge Morris's book has the chart to which you referred. The other three do not have it.

DR. DIX: Now comes 186, Exhibit 18 --

THE PRESIDENT: Pardon me, Dr. Dix, did you intend to miss Document 189?

DR. DIX: 189 will be Exhibit 17, document 155 Exhibit 19.

THE PRESIDENT: Doctor, we are just running one behind. You started to say you made Document 186 as 18; is that correct?

DR. DIX: Yes.

THE PRESIDENT: Very well, and 155 is document Exhibit 19?

DR. DIX: Yes.

THE PRESIDENT: Now, I think we are up with you.

DR. DIX: Document 156 is Exhibit 20, Document 115, Exhibit 21. Document 142, Exhibit 22; Document 152, Exhibit 23; Document 137, Exhibit 24; Document 256, Exhibit 25. The last three documents deal with the position of Schneider as Hauptabwehrbeauftragter. Mr. Schneider will mention parts of them in his testimony. They confirm what he will say. Then for judicial notice of the Tribunal I offer Document 224, an excerpt from the IMT trial as Exhibit 26, according to which members of the Abwehr did not belong to the criminal SD.

Then I offer Document 113 as Exhibit 27. That is an excerpt from the Official Gazette of the Hesse Ministry for Political Liberation. In connection with this document I refer to No. 203 of the American Laws of Land Warfare dealing with

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espionage in war-time. I offer Document 175 as Exhibit 28,
an affidavit of Goldberg on the duties of the Sparte Office
and he says that production statistics and map games were
made on official government orders.

MR. SPRECHER: Mr. President, with respect to Schneider Exhibit 27, I don't think the formalities are in order so that we can even begin to know what this all about. There is a certificate that's been handed in by the defense counsel which merely certifies that a typewritten piece of paper which is attached and signed by Dr. Storkebaum, the assistant, is taken from the official releases of the Hessian Ministry for Political Freedom on 1 January 1947. There's an extract and there's not even an indication of the topic or what's before or what's afterwards. There's only one page. Now, the prosecution is in no position to check to find out whether this is completely taken from context. We haven't got anything else from this Hessian Ministry for Political Liberation. It says on there that's been approved by somebody and there's no indication of whom.

THE PRESIDENT: Well, let me inquire of Dr. Dix. Doctor, do you have access to the entire document?

DR. DIX: My assistant made the excerpt. Here in Bavaria, of course, under the circumstances we were not able to get the gazette itself. My assistant worked on that in Frankfurt and Marburg and prepared the excerpt there. I believe that the contents are not so important that Has Mr. Sprecher read it?

MR. SPRECHER: Yes, I read the translation. If it's important enough so that Dr. Dix thinks it should be submitted as a piece of evidence, I think it's important enough so that we should have something of the surrounding circumstances and not merely a typewritten piece of paper which says that this is an excerpt from something or other which is utterly unrecognizable and we are not able to tell what importance it has or what importance it does not have.

DR. DIX: May I comment. One cannot offer excerpts in any other way than as relatively brief notes. One wants to avoid unnecessary work for the translation staff. I personally cannot get the original. My assistant prepared this excerpt and he told me -- I asked him whether

there weren't any special headings. He said: "No, that was just under general publications of regulations" as it says here, Gen. 1/129/47.

I presume that is a circular letter to the de-Nazification courts which was published altogether at a certain time.

THE PRESIDENT: Gentlemen, we'll waste no more time on this. We understood that Dr. Dix was formally offering these documents preliminary to the interrogation of the defendant. Now, under the practice that we have indulged here, the prosecution is not going to be harmed by permitting this document to go in because we'll reconsider the matter when at any time a formal motion is made or renewed. We do that for the reason that it may be possible, in cooperation between you gentlemen, for you to assist the prosecution in getting access or furnishing information so that it can get access to the original source of this document, and so the document will be admitted subject to the right of the prosecution to renew the objection at the proper time.

MR. SPRECHER: Just to make the position clear. We have no objection to the submission of excerpts so far as the document books are concerned, but there is no original or photostat of the original to which we can go to check in any way for its contents.

DR. DIX: I inquired whether extracts for books must be photostats and my colleagues told me that was not necessary. They have to contain everything pertinent including the heading, of course, and that is the case here. It says here "The Official Gazette of the Russian Ministry."

THE PRESIDENT: We are not so much concerned, Dr. Dix, with the form of the certification or the fact that it is an excerpt as we might be as to the question of whether or not the prosecution can have access to the entire document to ascertain whether there are parts that they wish to bring in. We suggest that you and Mr. Sprecher discuss that matter outside of court. Give him such information as you can as to where the document was found or where it may be found. This matter may

take care of itself. If it does not, we'll undertake to permit the prosecution to renew its objection at a later date.

The document is in and you may proceed.

BY DR. DIX:

There follows Document 180 as Exhibit 29, an affidavit of Dr. Henning saying that the mobilization work in Leuna was done on the basis of government orders and that the leading men were very reluctant.

I offer Document 199, an affidavit of Dr. Strombeck, as Exhibit 30 about the events in the works management of Leuna before and at the beginning of World War II and Schneider's conduct.

In Book 9, Exhibit 261, the prosecution has offered an affidavit of the defendant Buetefisch according to which before the outbreak of war Schneider said, when mobilization was ordered, "This is war". I cannot understand what we are supposed to conclude from this, but since this quotation is repeated in the indictment and in the trial brief, it was necessary to gather counter-evidence and this affidavit deals with that question.

I now offer Document 203 as Exhibit 31. This is an affidavit of Wulff on Schneider's and Wulff's appointment as Wehrwirtschaftsfuehrer and characterizes appointment as purely a matter of a title.

Document 176, Exhibit 32, deals with the same subject. It is an affidavit of Dr. Graf, and finally I offer Documents 154 and 160 as Exhibits 33 and 34. Two affidavits of Dr. Hartmann to the effect that the production agreements with the French firms for GM I were concluded as a normal business transaction. GM I is not poison gas. Here, I refer to prosecution documents in Book 35, Exhibit 619, and Book 36, Exhibit 272.

That concludes the presentation of Book 8.

I continue with the examination of Dr. Schneider and, following the order of the prosecution in the trial brief, I come to Count One and the question of donations. According to the contention of the prosecution,

Farben is supposed to have helped Hitler to come to power and to consolidate his power. There are various groups concerned here.

Q. Dr. Schneider, will you first speak about the donation of 400,000 marks in February 1933 for election fund of the NSDAP, that is after the seizure of power?

A. I have no knowledge of this donation. I do not recall that it was discussed in the working committee where I was a guest.

Q. I refer to Exhibits 1585, 1594, 1595 in Book 91, payments to Schroeder Banking House for Himmler. These are Prosecution Exhibits. These are payments for Himmler to the Schroeder Banking House. What do you have to say about that, Dr. Schneider?

A. I did not know of these payments either. I am sure that they were not discussed in the Central Committee or the Vorstand.

Q. Now I come to the birthday presents to Goering mentioned in Book 22 of the prosecution. What do you have to say about that?

A. These birthday presents to Goering were not discussed in either of these two bodies, either. I personally heard of a picture which was given to Goering. I believe I heard this from Dr. Krauch, but it did not occur to me that this present helped in the consolidation of the National Socialist power.

Q. I now refer to Prosecution Exhibit 834 in Book 46 regarding the payment of 100,000 marks to the Sudeten German Relief work. What do you have to say about that?

A. As far as I know, this was not discussed either in the Central Committee or in the Vorstand. I had heard, through a circular letter of the Central Committee office of it, but I heard only after the payment had been made. That is, on the same day.

Q. I now refer to Prosecution Exhibit 1046, Book 51, and would like to have you comment on the payment of 500,000 marks to the Sudeten German area. That was before the war.

A. As far as I know, this was not decided by the Central Committee. As I can see from the prosecution documents, it was made through the

Central Committee office on the basis of a telegram from Schmitz to Hitler.

Q. And finally, will you please comment on the Adolf Hitler donation and the Winter Relief which is mentioned in several document books?

A. The Adolf Hitler donations and the Winter Relief, as far as I recall, were occasionally discussed in the Central Committee. The Winter Relief was assigned to the various plants, but even the prosecution admits that these were set payments by German industry.

Q. And then Farben had the plant donations. What do you have to say about them?

A. These were sums of money given to the local Party organizations. The plant manager had a certain freedom to approve these. The payments were reported to the Central Committee office monthly for bookkeeping purposes, but they were not reported to the Central Committee or to the Vorstand. These were donations to the SA, SS, BSKK, NSFK and the NSV and various other organizations. These were customary in all of industry, they were collected by the leaders of these organizations particularly on the occasion of the anniversary of the organization. For instance, the day of the SS. As we were always told, their purpose was for sport or to support the organizations and their offices. I do not recall what the amounts of the individual donations were at Leuna. I do recall, however, for instance, that the SA was building a riding academy. These donations were quite customary and we were not able to evade them without incurring political disadvantages for the plant.

I shall mention another donation on the occasion of the fiftieth birthday of Gauleiter Eckeling which was given by all of Central German industry on the urging of the president of the Gau Chamber of Economy in Halle. The donations were in proportion to the contributions of the Gau Chamber of Economy. The Farben plants of Central Germany, as far as I recall, had to pay a sum of 150,000 marks. Leuna's share I did not recall. All in all I did not see that in view of the importance of Farben and its plants and in view of the fact that such donations were customary for all of German industry, I cannot see that this is anything unusual.

Q Then you have concluded your remarks about donations, I believe. I now come to the technical questions under Count I. The prosecution concluded from the significance of the production in your Sparte that Farben participated in preparations for a war of aggression. They are referring particularly to nitrogen, gasoline and other products. The witnesses Elias and Hanneken have spoken about nitrogen's importance for warfare, pages 1348 and 1020 in the German record and the Schnitzler affidavits, Prosecution Exhibit 12, book 1 and Buetafisch, Prosecution Exhibit 261, Book 9. The trial brief, page 26, refers from the production conscious aid to the Nazi plans for expansion. Will you please speak first about nitrogen production.

A It is not denied that parts of the production of Sparte 1, nitrogen, mineral oils, methanol, and various other products, are of significance in war. But it is wrong to assume that the development and the acceleration of production planning, especially in the years 1933 to 1939 took place for military reasons. The creation of work, the foreign exchange situation, and certain efforts toward autarchy (self-sufficiency) were the main impulses. It was a matter of course that the Wehrmacht, because of general rearmament, was also interested. My documents number 158, Exhibit 13, book 8, and 159, Exhibit 16, book 8, include three charts showing the development of production of Sparte 1

in nitrogen, mineral oils and methanol. With the aid of these charts I shall attempt to explain that all these products --

DR. DIX: I understand that there the Tribunal has only one chart. Perhaps one could be handed up to the judges so that they will have two charts. We handed in the prescribed number. We don't put these books together ourselves. We are not even allowed into the room. If we wanted to check on the books we couldn't do it. First of all 158, that has two charts, nitrogen and gasoline. 159 has one chart for methanol. I believe you may begin Dr. Schneider.

A With the aid of these charts I shall attempt to explain that all these products of Sparte 1, the amounts produced, were absolute peacetime requirements -- that in peacetime the need for military purposes was infinitesimally small and this will make it clear that the main production of Sparte 1 did not need any war to justify the development -- that in war, in addition to peacetime uses they had to be used for purposes of the Armed Forces. This fact, however, is shared by most industrial products. I shall speak first of nitrogen. Synthetic nitrogen owes its existence to the Haber-Bosch process which was technically developed before the first World War. The Badische Anilin and Sodafabrik, one of the predecessor firms of I.G. Farben Industrie, decided on this for the sole reason that this process, because of the cheap raw materials, coal, water, and air, seemed suitable to supply agriculture with a cheap nitrogen fertilizer. The nitrogen fertilizers in use at the time were the Chile saltpeter, Norge Saltpeter and others. Now, through synthetic nitrogen the company could not only compete with nitrogen fertilizers in use at the time but could even underbid them considerably in price. The process stood its test in the first World War. During the first World War the expansion of the process was promoted considerably. In addition to the main plant at Oppau, large scale production was taken up in Leuna in 1917, and in addition to this synthetic, a process for the production of nitric acid from ammonia was

developed and because of this product, nitric acid, the nitrogen process was also important for the conduct of the war in the first World War. After the war, there was a reconversion to peacetime production immediately, and there was enormous development in this process. Not only the Badische Anilin and Sodafabrik increased its production considerably, but in all countries of the world, synthetic nitrogen factories shot up like mushrooms. The Badische Anilin and Sodafabrik supported these factories only to a very slight extent by giving licenses. Partly because of the fact that the war had been lost the process was taken by force and partly it was supplanted or modified by other processes -- for instance the Italian process of Cassale the French process, and the American NEC process of the Nitrogen Engineering Company. The share of Farben's synthetic nitrogen production in world nitrogen capacity apart from Chile saltpeter, in the agricultural year 1928-29 amounted to 19.5 percent, 1932-33, 6.75 percent. These figures will be substantiated by Dr. Buefisch's evidence. I now ask the Tribunal to look at the nitrogen chart -- that is one of the two charts in Exhibit 158.

THE PRESIDENT: Mr. Schneider, please, if you are now passing to another chart I think it would be a good time for us to recess. Gentlemen, please bear in mind that tomorrow's session will be in Courtroom 3 as we announced this morning. The Tribunal is now in recess until 0930 tomorrow morning.

1948
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Court VI - Case VI

Official Transcript of Military Tribunal VI in the matter of the United States of America against Carl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 19 February 1948, 0930, Justice Curtis G. Shake, Presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI, Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Make your report, Mr. Marshal.

THE MARSHAL: May it please Your Honor, the defendants Krauch, Haefliger, and Lautenschlaeger are absent from the Court Room.

THE PRESIDENT: The defendants named have been excused from attendance today. Are there any preliminary announcements from the defendants' counsel?

(None indicated)

Anything from the prosecution?

(Nothing indicated).

Then you may continue, Dr. Dix.

Christian Schneider - Resumed.

direct examination - Continued

BY DR. DIX:

Q. Mr. Schneider, we were discussing the nitrogen chart and you were going to explain it.

A. Would the Tribunal please look at the nitrogen chart connected, in the Document Book, with Document 158, Exhibit 113. First of all, I would like you to look at the third curve from the bottom. It shows the development of production of synthetic nitrogen in Farben. One can see that after the first World War production was 622,000 tons in 1928 and 1929. In the subsequent depression, it dropped.....

MR. SPEECHER: Excuse me, the prosecution still hasn't received from any channel any copy of Nurnberg.

DR. DIX: Yesterday, the Defense Center told us that the books with

these charts had been given to the prosecution and the prosecution must have them. I can't do anything beyond telling you what they told me.

THE PRESIDENT: Is there one available that can be loaned to the prosecution until the regular charts come through?

DR. DIX: The original exhibit has one.

THE PRESIDENT: Very well.

MR. SPECHER: The Secretary indicates that there is not one in the original exhibit.

THE PRESIDENT: Were the proper number of these charts prepared, Dr. Dix? Have they just gotten lost somewhere along the line?

DR. DIX: We turned in the prescribed number to the office which put the books together. We were told yesterday that the Court was given eight copies and the prosecution two. My assistant inquired again yesterday.

JUDGE MURKEL: Yesterday evening I inquired of the Defense Center and they said that they had turned all of those books over to the Message Center, and they would immediately contact the Message Center and try to get the charts in the proper books.

THE PRESIDENT: Dr. Dix, can you temporarily pass this matter and go on to some other feature of the case and we will send a messenger out to try to locate those charts for you.

DR. DIX: I'm sorry. I don't hear anything at all.

THE PRESIDENT: I say, can you temporarily pass this matter and take up something else and we'll send a message out and try to locate your charts for you.

DR. DIX: Perhaps we could go on to another question.

THE PRESIDENT: Very well.

Mr. Secretary, will you find some one to see if they can locate these charts? Better contact the Messenger Center first.

DR. DIX: Now, I'm hearing all right, yes.

Shall I continue with the next question?

THE PRESIDENT: Yes, certainly.

BY DR. DIX:

I refer to Prosecution Exhibit 127 in Book 5. It is said that it is especially significant that there was a strong increase in technical nitrogen in the year 1937. The most important product of technical nitrogen is nitric acid, according to this document, and there was a temporary scarcity of this product, due to a high demand for explosives.

Q. Dr. Schneider, please comment on this.

A. Afterwards, when we have the charts, I shall point out the insignificance of nitrogen in the nitrogen delivered to the explosives factories.

As one can see from the chart, in 1937-1938, it was 32% of the technical nitrogen, but only 6% of Farben's total nitrogen production. That there were certain variations in such production in the course of years is not astonishing, but it is not correct to reach definite conclusions for the future. If, namely, one looks at the records of the nitrogen meetings one sees in the minutes of the next nitrogen discussions on the 25th of March 1938, about three months later - that is introduced as Schneider Document 116, Exhibit 14 in Book 8 - under the market for technical nitrogen one finds the following sentences and I quote:

" While their own requirements have remained stationary, and the requirements of the affiliated plants even slightly increased, the sales of the I.G. within the syndicate declined by nearly 30%. This decline is mainly due to nitric acid; the requirements in April are smaller by no less than 30%, compared with the maximum quantity. That is, a completely change position only 3 months later. Further interesting each can be seen from the minutes of the nitrogen meeting of the 25 August 38 which submitted as my document 117, that is 6 prior to the war.

In Document 117, which is Exhibit 15 in Book 8, one finds in the chapter, Five-Year Plan for Nitrogen, a reference to negotiations of the nitrogen syndicate with the Reichsnährstand and the Reich Food Ministry where the increase in nitrogen sales to agriculture, which had been 715,000 tons in 1938-1939, became approximately one million tons in

1941-1942.

It must be difficult from these purely peacetime facts to infer any preparation for a war of aggression or knowledge of such plans among nitrogen producers.

Q. I should like to take advantage of this opportunity to call the attention of the Tribunal to the fact that in Book 11 of the prosecution, Exhibit 318, we have the record of the career of Dr. Schneider which supplements his statements yesterday for the time before 1933.

You haven't received the charts yet, as far as I can see. Then I believe, Dr. Schneider, we will continue with the products for which we have no charts.

The first product is Toluol which the prosecution also considers important for the war in connection with deliberate preparations for a war of aggression by Farben. I refer to pages 1375 and 1376 of the Record.

Will you please comment on the development of this product?

A. Toluol, in addition to its peace time uses in dye stuffs industry especially, is doubtless a war product as it is a preliminary product for TNT which is used as an explosive. The process for obtaining of synthetic Toluol, which is referred to here, plays no role whatever in pre-war questions. It was only during the war, at the request of the Wehrmacht, in a plant belonging to WIFO, that is, belonging to the Reich, in Waldenburg, that it was produced. This plant was managed by Farben. The process came from the Good Hope Mine - Gute Hoffnungshütte. This plant at Waldenburg has to be eliminated entirely from any considerations of preparations for a war of aggression.

Q. That concludes our discussion of the last products which were called war products and which fell under Sparta I which was in the charge of my client, Mr. Schneider. Since the charts are unfortunately not here yet, we will have to go on to another point which is discussed under Count One of the Indictment, that is, the so-called standby plants which were connected with Sparta I. I have Documents 156 and 157, Exhibits 20 and 21. This involves the collaboration of Farben with the WIFO which belonged to the Reich for the establishment of standby plants for the production of highly concentrated nitric acid and Toluol and, Mr. Schneider, you will please limit yourself to a discussion of events before the war with respect to the problem of preparation for a war of aggression. These exhibits are statements by an expert who worked on this subject, who explains Farben's connections with WIFO very thoroughly. Partly this is a historical description, partly a list of the contracts.

Mr. Schneider, please tell the Tribunal how it came about that Farben collaborated with WIFO and tell us what the reasons for this were?

A. Dr. Dix, I believe you have made a mistake. You said they were Exhibits 20 and 21, if I understood you correctly, but they are 19 and 20.

Q. Yes, that's right, excuse me. 19 and 20.

A. Documents 155, Exhibit 19, and 156, Exhibit 20.

Since Document 155, Exhibit 19 in Book 8, speaks for itself, I shall not go into the details of this collaboration of Farben with WIFO. This plant was operated by order of the OKW. A refusal of Farben to cooperate under the circumstances, would have been impossible. The operation of concentrated nitric acid plants ordered by the OKW was beyond peace time needs, without a doubt. It was a measure so that in the event of war the Wehrmacht would be protected from a scarcity of this important product. This precaution was taken on the basis of World War I experience. WIFO came to Farben because it had no other choice. Farben alone in Germany had enough experience in the production of highly concentrated nitric acid. If Farben, for this reason alone, could not refuse to collaborate with WIFO, there was another reason too of economic considerations. The prices for fertilizer nitrogen had been reduced repeatedly because of the pressure on the part of agriculture, while technical nitrogen, which includes nitric acid, involved a suitable profit. Farben had to prevent the production of these nitric acid plants, which could have been built even without Farben with the aid of compulsory licenses - Farben had to prevent these getting into other hands. This would have influenced the price of all of technical nitrogen. From the production of the concentrated nitric acid plants before the war one cannot infer any intention of a war of aggression. I, at least, always regarded it within framework of the general rearmament of the newly constituted Wehrmacht. Similar things were happening in other countries too. In Schneider Document 115, Exhibit 21 in Book 8, German page 61, an extract from the nitrogen conference of the 17th of December 1936, you will find the following sentences, and I quote:

"The English War Office addressed an inquiry to Barmag concerning the erection of three nitric acid plants for 25 tons of HNO_3 per day each." This is page 61 of the English. "The primary nitrogen is to be supplied by ICI for the first plant, but it is intended to erect a proper

synthesis plant. If necessary, Farben, in agreement with IGT, will likewise make its synthesis process available here."

This example shows that in England too, in the same way as in Germany, standby plants for nitric acid were being set up for the needs of the armed forces. I shall come back to this document later in another connection.

Q. Now, Mr. Schneider, the prosecution has submitted a document, Exhibit 524, about a concentrated nitric acid plant for Vionzburg. Will you please comment on that briefly?

A. That is just a plant. This plan was never put into execution.

Q. I refer to Document 155, Schneider Book 8, Exhibit 19. Now, in your field of work in Sparata I, were there any other standby plants in addition to this concentrated nitric acid plant?

A. The prosecution has also mentioned the Tetraethyl lead plant in Gabel and Frose and has called them standby plants. That is not, however, true. These plants came into existence because of an order of the Ministry of Aviation of the 4th of September 1934, as can be seen from Prosecution Exhibit 524, Book 26, German page 147. According to this, Farben was ordered to carry out negotiations for a license for the production of Tetraethyl lead. It was intended at the time to build these plants for a fairly large capacity, but to operate them at 365 tons per month. Actually, the plant at Gabel was built for only 100 tons per month. After long negotiations with the American Ethyl Corporation, a new company was formed, the Ethyl G.m.b.H., owned half by the Ethyl Corporation and half by the Ammoniakwerk Merseburg, G.m.b.H. For the participation of the Ammoniakwerk-Merseburg, G.m.b.H. there were purely tax and financial reasons. The company had nothing to do otherwise with the Ammoniakwerk-Merseburg. It was a completely independent company. The manager was Dr. Mueller-Conradi. The construction of the plant was begun in 1936. Tetraethyl lead is a valuable product discovered in the United States which, in all countries in the world, is added to gasoline in order

to improve the antiknock value of the gasoline and to make it useful for more highly compression motors. This is true of both automobile gasoline and for aviation gasoline. It, of course, has great value in wartime for aviation, but in peacetime it is indispensable for automobile gasoline and for aviation gasoline for civilian and military planes. It can be included in the group of war products which are on the civilian market.

The plant at Gabel was inadequate for peacetime needs, especially with reference to the constantly increasing rate of motorization and therefore in 1938 there were negotiations with the WIFO for the establishment of a second plant at Frose with a prospective capacity of 300 tons per month. The plant was to be operated by Farben. A loan of 7,000,000 marks had been made available for the purpose. The plant did not go into production until after the war had started. This was not a standby plant. These plants would have been operated even if there had been no war.

Q To avoid any misunderstanding, I have one more question, and in view of the fact that there may be a different interpreter later -- the German concept "Handelsuebliches Kriegsproduct" which was just translated as a war product in the civilian market. The definition of this term was already discussed in the examination of Professor Krauch. Does the Tribunal wish that term to be discussed and explained again or is that not necessary?

THE PRESIDENT: I hardly think it would be worth the time, Dr. Dix, to go into it again. I may tell you that we have some rather confusing information about these charts. We have a message that was relayed to us from the Message Center that the charts would not be delivered before late this afternoon or tomorrow some time. I can't understand why it should take so long to get them from one room to another in this building, but perhaps the situation has been remedied because we do seem to have one set of charts. They were in Judge Hebert's copy. I have never seen mine yet. We can loan one set of these charts to the prosecution and can get along with what we have on the bench here if you would like to take that matter up at this time.

DR. DIX: I had these earphones mixed up. One set of earphones is broken. Dr. Schneider, will you please repeat this definition.

A A war product on the civilian market means a product which in peacetime has a definite use and which in wartime can be used for purposes of the armed forces. By a war product as such I mean a product which is not normally used in peacetime, but which must be produced in war time.

In any event, I shall discuss various war products on the civilian market. The most typical one is, for example, nitrogen and if I may begin my discussion of nitrogen now I can explain this expression better. Shall I begin now? In this chart, Schneider Document 158, Exhibit 13, which shows nitrogen development, I ask you first of all to look at the third wide line from the bottom. It shows the development of synthetic nitrogen by Farben from the agricultural year 1926-27 to 1943-44. One can see that production after the first World War was 622,000 tons in 1928-29 -- that the production rose up to that point. Then in the depression it fell, partly because of the expansion of world nitrogen capacity, to 179,000 tons in 1931-32, and then it rose gradually to 467,000 tons in 1938-39, shortly before the second World War. But as one can see it never reached the level of 1928-29. If one now compares this curve with Number 4, that is the other broad line, that shows the consumption of fertilizer nitrogen in Germany. One can see that in the time from 1931-32 until just before the outbreak of the war, both curves show the same trend. That must prove that nitrogen production of Farben served the peaceful purpose of nitrogen -- that is fertilizer. The use of synthetic nitrogen falls into two groups -- fertilizer nitrogen and technical or industrial nitrogen. By fertilizer nitrogen we mean a large assortment of various salts which contain nitrogen in the form of ammonia and nitric acid and which are used exclusively in agriculture. Technical nitrogen includes a number of nitrogen products which, as the name indicates, have technical uses. In peacetime, to a large extent, they were used for non-military purposes. They are primarily liquid ammonia, urea, ammonium carbonate, ammonium chloride, nitric acid, and ammonium nitrate. Of these only nitric acid and ammonium nitrate are of significance for war -- for powder and explosives. TNT, for example, produced from hexogene and nitropenta. On the chart there is a subdivision of the total production of nitrogen into these two fields. Area 5 represents fertilizer nitrogen. Area 6, that is indicated on

the right with the bracket, shows technical nitrogen. We are here interested especially in this technical nitrogen. Area 7 is shown within area 6 representing the part of technical nitrogen which was used for powder and explosives. The orange narrow part at the top shows the technical uses, for example, for explosives for mines, and the red area below represents purely military purposes. One can see at first glance how infinitesimal this part of total Farben production of nitrogen before the war was. This no doubt proves that total development of nitrogen production by Farben before the war depended absolutely upon peacetime considerations. There is something to be said about Line Number 1 and the areas 2 and 3. Number 1 represents the total nitrogen production in Germany. Area 2 is nitrogen export. Number 3 is nitrogen import. As one can see, before the war nitrogen was a not insignificant source of foreign exchange. During the war the situation changed considerably as can be seen by a glance at the chart. The amount of industrial nitrogen used for explosives -- I am now referring to Number 7--increases considerably and finally surpasses the share used for fertilizer, and here we have a typical example of a war product which is used for the civilian market. The Wehrmacht restricts the peacetime use of a product by force and uses this product for its own purposes. Later I shall come back to a description of how that was done. I should like to discuss the total nitrogen production of Germany now. This total production, that included Farben production of course, was reduced in the course of the war in favor of other production, such as gasoline and methanol. All this was done on government order over which the producer had no influence.

Q. You have now finished the explanation of nitrogen?

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Q You have now finished the explanation of nitrogen?

A Yes.

Q Now we come to the second big product of Sparte I, -- mineral oil. Please tell us about the significance of this product in connection with Count I of the indictment.

A This also involves a synthetic process by which a number of products are produced, in addition to gasoline, diesel oil, heating oil, aviation gasoline, lubricants and other products. Since this production will be discussed thoroughly in the case of my colleague Buetevisch, I shall be very brief and only sketch in broad outline the significance of mineral oil, synthetic mineral oil, of Farben, in the sense of the description I have given of nitrogen. The origin of this synthesis is at the beginning of this century when Bergius dealt with the problem and discovered the process of the so-called liquification of coal. At first, however, there was no technical success with this process. In the middle of the 1920's, Doctor Pier at Ludwigshafen again took up this problem for Farben. Dr. Pier and his associates succeeded, by the use of suitable catalyzers, in finding a method which gave prospect of making the Bergius process useable. They created the foundation for what was later called generally hydrogenation, which was a Farben process. It meant the hydrogenation of coal tars or mineral oils. Bosch and Krauch helped the further development to a great extent. In 1926 the decision was reached that a large scale experimental plant should be set up at Leuna for the production of 100,000 tons of gasoline. After six months of construction this plant went into production. The development fell into the period of the depression and there were enormous technical difficulties. I shall not go into details at this point, but within the Farben Vorstand confidence in this process was seriously shaken. The whole Leuna plant was almost closed down. It was only the confidence of Bosch, Krauch and us technical men that was able to prevent this being done. We always had full confidence that the technical difficulties could be done away with and the future proved that we were right. The difficult situation in respect to foreign exchange and the

problem of unemployment came to our aid. These two considerations were the main motives which influenced us in the further development of the process. That was the state of affairs when Hitler came to power in 1933. With the aid of the chart which is also attached to Document 158, Exhibit 13, Book 8, I shall just briefly discuss the developments from 1933 until the beginning of the war. I shall not go into details and I shall not discuss the negotiations with Standard Oil, of the Reich with Brabag and with others with respect to this process. In explaining this chart I shall not go into the significance of the various mineral oil products. All that will be explained by my colleague Buetefisch. I shall merely continue my thesis which I set up when speaking of nitrogen, and I shall show for the synthetic mineral oil products of Farben that the development of their production had nothing to do with the preparation of any war of aggression, and that the justification lay exclusively in the increasing degree of motorization in Germany. First of all I should like to point out a mistake in this chart. At the left at the top there is a statement "In thousand tons". That is wrong -- it should be "In millions of tons." If we now look at this chart we see that the bottom line shows the production of Farben. The next line above that is the total synthetic production in Germany. That includes plants which did not belong to Farben. The next line is total production of mineral oil products in Germany, not only gasoline, but also benzol, petroleum products from tars, and the fourth line shows the total consumption in Germany. One sees first of all that the curve of Farben production is very shallow compared to the rest of German production and also compared to consumption. The area between total production, that is the third line from the bottom, and total consumption of mineral oil in Germany, if one looks at the area between these two lines this area represents Germany's mineral oil imports. In 1938 there was a considerable increase, and this import was greater than total German production. The share of Farben production in Germany's total consumption was, in 1938, only a little over six percent. If one considers

further that the motorization of Germany, as Krauch Document Number 2, Exhibit 6, Book 2 shows, Germany's motorization was far beyond that of England and France at the outbreak of war. Then one will have to concede that my thesis is well founded, and one sees clearly from the chart that before the war in the year 1939 Germany could have had more than twice as much mineral oil production in order to make up the import which meant a great expenditure of foreign exchange and that Farben production could have been greatly increased. The importance of mineral oil products in wartime is again not denied. They also make nitrogen or oil products which are on the civilian market.

Q You have finished?

A I have finished the discussion of gasoline. I now come to methanol.

Q I should like to refer to Exhibit 175 of the prosecution, Book 37, page 1291 of the record. That is a report of the American authorities about more important chemicals. Methanol is the second one listed. Then there is also Prosecution Exhibit 616, Book 34, page 1375 of the record where it is stated that the production of powder and explosives was dependent upon this, and that hexogene and nitropenta were produced from methanol. Will you please comment?

A. It is again not denied that the latter is true, but in the case of methanol it is also easy enough to prove that the development of the production of methanol before the war was not dependent upon military purposes but was influenced by purely peacetime requirements. To go into the history of methanol briefly, this goes far back, like ammonia. It was started by my own experiments in 1913 and 1914 where, for the first time, I succeeded in producing under pressure and with the use of catalyzers, organic products including alcohol and methanol.

The American patent taken out on this process was confiscated in the United States after the First World War and turned over to the Chemical Foundation. It was important for America since the United States was now in the production of synthetic methanol. I refer to Schneider Document 186, Exhibit 18, where Dr. Haldermann, the patent expert, the man who worked out this patent, and various newspaper extracts are included which refer to this point.

Because of difficulties with apparatus and for financial reasons the process could not be carried out on a large scale. In the beginning of the Twenties the experiments of Dr. Pier in Ludwigshafen, who helped in the gasoline process too, finally led, under somewhat different circumstances, to methanol.

In 1923 the results of these experiments were transferred to Leuna and put into production. I shall explain the development of methanol again with the aid of charts which is to be found in Document 159, Exhibit 16. Production was carried out essentially in Leuna; Oppau also had very small production. One can see that in 1932 to 1935 the production was relatively modest. It amounted to 15 - to 20,000 tons per year. Then it increased rapidly to 100,000 tons in 1937. It dropped again to 75,000 tons in 1939; and in the course of the war it rose rapidly to a production of 225,000 tons in 1943. During the war, in addition to the Leuna and Oppau plants, there were also the plants at Waldenburg and Heydebreck. In 1944 there was a small amount of production at Auschwitz. The chart shows rough-

ly the fields of application of methanol.

The area with the red diagonal lines is the production of pure methanol. The lower part --no, I mean the upper part shows the amounts used for all possible technical purposes and was used for formaldehyde, plastics, tanning acids, dyestuffs intermediates, resins, textile uses, buna (according to the Reppe process) and, above all, there were other uses such as solvents and plasticising agents, all customary products on the market.

The lowest area with the broad lines shows the consumption for explosives. This methanol was used for the production of hexogene and nitropenta. Above this area there is a smaller area which is closely shaded which, from 1941 on, shows the consumption of methanol for synthetic toluene, which is a preliminary product for nitrotoluol. That must be included under explosives too.

Now, finally, above the red area there is an area with fifteen lines. That refers to crude methanol--not especially refined methanol--which is added to motor fuels, in the years 1935 to 1939, first of all to fill up a certain gap in the fuel sector.

Secondly, it had the advantage that it would improve the octane rating of gasoline.

The presentation of this chart shows again quite clearly that the development of methanol production up to the outbreak of the war served peaceful purposes, and then in 1941 its use for pure military purposes was still very small. Here again I should like to emphasize that developments in the war were done on the basis of Government orders, and no plant manager could evade fulfilling these orders.

Farben, with respect to methanol, could not evade these orders because it was the only firm that was in a position to produce methanol. Methanol too is a war product which is on the civilian market, or a civilian product which can be used for war --whichever way you want to look at it. But its development before the war was influenced only by peacetime consid-

ations.

The use of methanol for explosives purposes had nothing to do with my Sparte. It was essentially under the explosives factories, for example the DAG.

Q. You have now finished?

A. I have now finished with methanol. I have now finished the three major fields of Sparte One. These three fields -- nitrogen, mineral oils, and gasoline--play an essentially great part in the eighteen strategic products mentioned by the Prosecution. In these documents the Prosecution has tried to prove that the development and the speed of development before the war with respect to all the products was a military measure and was preparation for a war of aggression. I have made my comments brief, and I hope that I have succeeded in pointing out the insignificance of the use of these products for military purposes in peacetime, and I hope that I have succeeded in proving that there were actually other than war-like intentions which motivated the development of this production.

Q. We have now finished discussing production. We have also dealt with the stand-by plants already. We now come to the point of the indictment under Count One dealing with stock-piling of vital war materials.

Does this problem affect your Sparte? I refer to Prosecution Exhibit 747 in Book 40 dealing with the project in Niedersachsworfen, and Schneider Document 142, in Book 8, Exhibit 22. Will you please comment, Dr. Schneider?

A. Dr. Dix, I believe that when we were talking about the stand-by plants we forgot to mention the nickel plant, and if I may I should like to say a few words about that now.

The nickel plant at Froese, in contrast to the tetraethyl lead plant at Gapel and Froese, must be considered a stand-by plant. It was an evacuation plant for the only Farben nickel plant at Oppau. The con-

struction was by order of the Office for Raw Materials and Synthetics, in 1937, as can be seen from Prosecution Exhibit 638, Book 38. It was intended to try out a new process at Frose. I shall not go into this story since it will be presented by my colleague, Haeffliger, in connection with the stockpiling of nickel.

Q. I don't think that that exhibit number, 638, was correct.

A. That is Document NI-9548.

Q. Here it means Prosecution Exhibit 722 and 723. It should be 683.

A. Excuse me, that was my mistake.

Q. Now we come to the problem of the stockpiling of war materials. I refer to Prosecution Exhibit 747, Book 40, regarding Niedersachswerfen.

A. With respect to the mine project at Niedersachswerfen, Farben had nothing whatever to do with the problem of stockpiling gasoline. From Schneider Document 142, Exhibit 22, by the plant manager of the plant at Niedersachswerfen, one can see clearly what the occasion for this project was a suggestion of the authorities, and that because of the experience in this mine, the Gipswerk Niedersachswerfen was merely the constructor. The interest of this plant was merely in obtaining a pure anhydrite; that is a type of gypsum for the production of fertilizer at Leuna.

After the authorities had decided upon the construction of the mine, there was an agreement by contract with WEP, and the prices were set similar to that in the previous stone quarry project. Neither Leuna nor Niedersachswerfen had anything whatever to do with the stockpiling of products. The I. G. did not carry out a policy of stockpiling gasoline and had on stocks according to the requirements of production and were rather too small than too large.

Q. Then the indictment speaks of the stockpiling of urea and other products of Sparte One.

A. This stockpiling of urea and other products of Sparte One goes back to the letter of 5 July 1939 in which, because of the unfavorable position of the Ludwigshafen and Oppau plants from the point of view of defense, the transfer of important products was demanded by the government. Products which could not be transferred on short notice were to be taken care with increased production, and stocks were to be accumulated. Ammonium chloride, iron, nickel, ammonium carbonate, and carbonilo, and above all urea, were those products.

In Prosecution Exhibit 231, that is NI-7125, in Book 8, page 178, there is contained a list which shows what the uses of urea were. That is on page 178 in the German text, in Book 8.

One can see from this that it was of an indirect importance during war, like all other industrial products, but that there is not a single use listed which is only a military use. If one adds up all the various uses, one gets an annual consumption of 5,425 tons; 4,110 tons were for the production of cellophane, kaurit lime, plastophan, and of the other smaller amounts there is nothing that is of any direct significance whatever for war.

In February, 1937, the Reich Ministry of War asked Farben to set up a stand-by plant for urea, since the only production plant for this product was at Oppau. Because of the bad situation at Oppau, a stockpiling was suggested, which can be seen from Prosecution Exhibit 231, on page 181-A. A year later this was again discussed with the Reich Ministry of War. This can be seen from page 180, in the same exhibit. And again a year later it was taken up more energetically again by the Reich Ministry of Economics—that was two months before the outbreak of war.

It is quite difficult from this delaying action of Farben to see in this evidence of preparation for war of aggression.

Q. I have only one more question, Dr. Schneider. You mentioned a letter in the beginning. What exhibit is that?

A. That is all the same exhibit — Exhibit 231, Book 8.

Q. Now, I come to the last point in connection with stockpiling which is the loan of 500 tons of tetraethyl lead mentioned in Prosecution Book 39, Exhibit 732. Did you have anything to do with that?

A. No, this was a purely commercial incident and had nothing to do with Sparte One or with me. I learned of this incident only here in Nurnberg. Mueller-Conradi made this loan in his capacity as manager of Ethyl G.m.b.H. The financial end was handled by the Central Finance Office. I cannot recall that Mueller-Conradi ever talked to me about the matter.

Q. We have then finished the subject of stockpiling in your

Sparte. Now, the prosecution makes the charge—

THE PRESIDENT: Dr. Dix, it is within about two minutes of our recess time. Would you rather have it now, then to break in into the presentation?

DR. DIX: No, I believe we can ask one more question.

THE PRESIDENT: Very well.

BY DR. DIX:

Q. The Prosecution charges the intention of weakening the prospective enemies of Germany by international agreements, and some such accusations affect you too.

A. As far as Prosecution attacks on negotiations of Farben with the Standard Oil Company in the field of oil are concerned, they will be taken care of by my colleague, Bueckfisch. In the field of nitrogen, the Prosecution has offered two documents which I shall comment on briefly, although the events to a large extent occurred when I was not yet Sparte One chief and was not responsible. One document is Prosecution Exhibit 952, HI-10547, Book 42, German page 110. This is the same document which was put to my colleague, Dr. von Meer, yesterday by the Prosecution. It is a letter from Farben at Ludwigshafen to Dr. Karl Hochschwender of Chemnyco, in New York. In this letter Chemnyco is asked for a clarification as to the German Government's opinion on collaboration and technical matters. It asks that Dupont not be informed since foreign industry was not to be given the impression that one was not able to carry on negotiations in this respect. In the letter the hope is also expressed that there will soon be a clarification in the sense of the previous attitude.

One must conclude from this letter that in spite of difficulties with the German Government, Farben tried to continue the old policy of negotiations.

(Answer continued)

I cannot read into this document any reckoning of American industry.

The other document is Exhibit 1018, NI-10784, Book 43, German page 276-77. This is a study about the economic and political aspect of International cartels by Edwin D. Edwards. It is said there that Farben refused to give the Hercules Powder Company, in the years 1933 and 1936, a license for the nitrogen process, and that in the same way, after the outbreak of war, it refused to give such a license to the Atlas Powder Company.

There is no evidence in this document that the purpose of this refusal was that Farben wanted to weaken the industrial strength of the United States. I am sure that there were only commercial reasons. The American companies were in a position to use the American NBC process and were in no way dependent upon Farben. In this connection I shall again speak of Schneider document 115, Exhibit 21, Book 9.

There it is shown that in 1936, Farben was willing to help the English war Office in a construction of a synthetic nitrogen plant for supplying three nitrogen acid plants, by supplying the English government with the process. If Farben had intended to weaken the industrial strength of the countries which, to use the Prosecution's own expression, were possible obstacles to the Third Reich in the execution of its aggressive intentions, then it would have been more sensible to keep out of the English project than the American one.

THE PRESIDENT: The Tribunal will take its recess at this time.

THE MARSHAL: The Tribunal will be in recess for 15 minutes.

(Tribunal in recess until 1120 hours.)

(AFTER RECESS)

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION (Continued)

DR. CHRISTIAN SCHNEIDER

BY DR. DIX:

I now turn to the paragraph entitled, "Counter-Intelligence" in which the Prosecution charges you with the Intelligence Work of Farben, together with GFW. You became main counter-intelligence delegate of Farben in 1940, so that the pre war years are insignificant for your activity in regard to this particular charge of the Prosecution in regard to preparations of war of aggression.

In Book 8 I offered Exhibit 23 through 27, in regard to this problem. One of them, Exhibit No. 25, is an exhibit of the Prosecution, a document of the Prosecution which was not offered, and which the Prosecution was kind enough to make available to me.

I now ask you, Dr. Schneider, to explain your appointment as the Hauptabwehrbeauftragter, the main counter-intelligence delegate, to the Tribunal.

A My appointment to the main counter-intelligence agent of Farben came about as the result of a letter written by Admiral Canaris to Geheimrat Schmitz. In this letter he stated that because of various differences of opinion his agencies had had with the former main counter intelligence agent of Farben, Mr. Faubl, he intended to recommend his dismissal and he was asking Schnitzler to name him an important person of the Farben Vorstand for this position. At that time I was chosen, and I accepted only reluctantly.

When I presented myself to Admiral Canaris, the latter explained to me that he had not been satisfied with Farben's support up to that time, and that he hoped that this would be different in the future. He pointed out in particular the valuable relations that Farben had abroad in regard to transmittal of information, and intelligence, and when I stressed that this would have to be very carefully done, he replied

very curtly, "We are now at war and the war interests take precedence over private interests in wartime," and he said that OKW had ways and means to force industry. From this the emergency can be recognized which made it impossible to reject any collaboration with OKW. Furthermore, Farben was not the only firm which had to collaborate with OKW in this regard. Other enterprises did that too, for instance, the AEG and Siemens.

Q What organizational measures did you now take in this field, after you had become appointed?

A In Berlin, I first of all instituted office A, Department A, that has been frequently mentioned in the Prosecution's documents, in which Mr. von der Heyde took care of the commercial affairs, and Dr. Diekmann, the industrial affairs of the counter-intelligence sphere.

After von der Heyde was drafted, an event which took place at the end of 1940, Mr. Huediger became his successor. In discussions with experts of OKW, counter-intelligence, I was told that I would not have to deal with details of this counter-intelligence work, that that would be done by my experts. I was being used merely if any differences of opinion arose in fundamental matters and when my decision was necessary.

Q What were the tasks of the main counter-intelligence agents, Hauptabwehr--Beauftragter?

OKW and Abwehr demanded the following cooperation: Originally first, consolidation of all counter-intelligence agents of the plants in regard to observing the secrecy regulations, and the defense against espionage and sabotage in the plant;

Second, the transmittal of economic and bank reports about the economic and political situation abroad, so far as Farben had any access to such reports through the neutral foreign countries; then thirdly reports, newspaper articles about the economic development abroad, and by way of I.G. Farben liaison men.

Fourth, the industrial reports about foreign plants;

Fifth, extracts from correspondence, from letters of foreign

associates and business friends, and,

Sixth, business friends and visitors from abroad, and Farben employees who had returned from trips abroad, who were to get in touch with the people from the Abwehr.

In the seventh place it was demanded that liaison men of OKW Abwehr be employed in Farben branches. These were the fields in which OKW Abwehr demanded cooperation of Farben.

Q How did this develop practically, and was OKW satisfied with the development or not?

A No, they were not by any means. During three conferences that took place throughout the entire war between the chiefs of OKW Abwehr, Colonel Piekensbrock and also the local Abwehr agents and officers, the Abwehr delegates of the Plant, Department A, this cooperation was discussed without any solution being found satisfactory to OKW. It had been intended originally that all documents and personnel affairs should be treated centrally through Department A, but the local counter-intelligence officers, and they are the counter-intelligence officers of the OKW objected to that, who wanted in particular to take care of contacts with foreign visitors themselves in connection with the counter-intelligence delegates of the Plant or the sales, central directorate; because of the more or less decentralized form of the plants, the activity of the Department A was only one of giving directives, but also the method of the local counter-intelligence agents was taken only really for instance, - I don't know a single case in Leuna, when this was done. I do not know how the commercial field worked. So far as I was able to find out, the employment of liaison men of the OKW Abwehr was not taken abroad or only in very rare cases, because of the danger to our interests abroad.

How unsatisfactory the co-operation between OKW and Farben was can be seen from Major Focke's statement and this is a Prosecution document which was not offered, NI-10422 in Document Book 45, which is now Document Schneider No. 256, Exhibit No. 25 in Book 8 on pages 76 to 79 of the German and in this can also be seen from the fact that this Mr. Focke who was successor of Bloch in OKW Abwehr still found it necessary in 1934 to give a lecture to the I.G. Farben Vorstand in which he stressed the necessity of better co-operation. This is Prosecution Document Exhibit No. 925 in Book 49, page 134 of the German.

Q I refer to the quotation in the index of Book 8 in the case of Exhibit Schneider No. 25. This is the statement of Mr. Focke which was an original Prosecution document and these statements confirm Mr. Schneider's description. How were you informed about the co-operation of Department A with OKW Abwehr? Some of this has already been touched upon but give me some more details.

A In large intervals of time I was informed about fundamental affairs of Department A about general policy but hardly about any details which was quite in keeping with the mission, that OKW had given me. Furthermore, OKW Abwehr never approached me about any fundamental affairs that would have necessitated my interference as a representative of Farben.

Q In this connection, Mr. Schneider, I would like to ask you about Exhibit 828 in Book 48. Your name is mentioned in connection with the Chemnyco. Since this service was in connection with your relations abroad please tell me what you have to say about that?

A This report of Chemnyco was sent to me and others at the time but it has nothing to do at all with the affairs discussed here. It was sent to me certainly only in order to inform me about the nitrogen affairs mentioned therein or about the transfer of information but this has nothing to do with intelligences as such. I never was in touch with Chemnyco.

Q I hear that a wrong translation might have been made. The translation of the lecture of Lt. Focke was 1934 instead of 1944. It

should be 1944, not 1934. I should like to put to you, Mr. Schneider, the affidavit that you have sworn about your position as a main counter-intelligence agent. I had these volumes noted down on a slip of papers and I hope that the Tribunal has these books. These are books 49, Exhibit 917, German page 97. Please, Mr. Schneider, give us your opinion about this affidavit? Please tell us what you have to say in respect to paragraph one dealing with the transfer of Farben reports to the Abwehr before the war and before your activity?

A Since I had nothing to do with the Abwehr before the war I know this only from hearsay.

Q Then paragraph two; there you describe your first meeting with Canaris. I believe there's been a typing error in the German edition.

A Yes, it's only a typing mistake. It should read in the German edition "Admiral Canaris expressed the demand" and the German word "auf" is supposed to be crossed out.

Q Then paragraph three is the question of organization of Department A and the connection with the Abwehr. Do you have anything else to say in regard to this paragraph?

A I merely want to point out that the employment of members of the Abwehr in foreign agencies of Farben was a demand of the OKW. This is to be added to the last sentence.

Q In four there is probably again a typing error in the German text.

A Yes, that's all. Instead of "absent plant manager" it should read "present plant manager". Instead of "Abwesend" it should be "Anwesend."

Q In paragraph five, that is the paragraph dealing with von der Heyde's position. Do you have anything to say about that paragraph?

A Yes. It isn't correctly here. Von der Heyde, as I stated before, was active in the commercial field of the Abwehr and after he was drafted into the army he was replaced by Rudeiger. The technical or industrial field was taken care of by Dr. Diekmann and von der Heyde and Diekmann together and were co-ordinated. They had the same rank.

Q That was already confirmed by Diekmann in his examination.

A But the report of the sabotage cases was done by the plants locally and von der Heyde had nothing to do with that principally. Some connection might have construed where von der Heyde had might have had something to do with the sabotage affairs in the individual plants but that is not so.

Q Paragraph six, you have nothing to say, perhaps one small addition. Do you want to make a small addition? After Schellenberg took over the Abwehr did you want to say anything there?

A No, I have nothing to say. It's correct as it's stated here, after the OKW Abwehr was taken over by the SS I was not confirmed in my position as main Abwehr agent.

Q Then I turn to the next affidavit in the same book. I turn to paragraph one. That's a list of the counter-intelligence agents.

A The list of these agents is not complete, of course. I only mentioned those agents at the time whom I remembered.

Q Could you do that now, perhaps. Then paragraph two regarding von der Heyde's membership in the SS. What do you have to say there?

A The word "director" should be deleted. Von der Heyde was not a director.

Q When did you learn that von der Heyde was a member of the SS?

A I don't know when I learned of it. I merely know that I did not know it when I appointed von der Heyde to take care of the commercial sector of the Abwehr field in Department A. I learned that at a later time. I believe, when I saw him one time in SS uniform and I noticed that

Q Then paragraph three treats the reports. Do you have anything to say in that connection?

A I should have to state that von der Heyde and Diekmann were not active subsequent to each other but simultaneously. The word "later", therefore, should be deleted.

Q Paragraph four does not need any comment and what's the matter with paragraph five?

A There's again a typing error. It should read "that the Abwehr officers in the individual districts" and it says instead of "districts" "the reports". The German word "Bericht" should be "Bezirk."

Q Then there's paragraph 6, "Reports Abroad and Co-operation." Do you have anything to say about that?

A Yes, the first sentence reads as follows: "The gentlemen from Farben who went abroad had to render a detailed report after their return about the events learned by them on their trips." It should read "should" or "were to". It wasn't an obligation.

Q Then you finished paragraph six?

A Yes.

Q Paragraph seven deals with the liaison men.

A One should emphasize that the reports were not always regularly passed on.

Q This finishes the chapter of the Abwehr of counter-intelligence and now we turn to a field that has been treated in detail and therefore will be brief. This is the Vermittlungsstelle-W, the mobilization plans and the war games and all of those matters of re-armament, which were interpreted as a preparation for a war of aggression by the Prosecution. I offered several exhibits in regard to this chapter at the end of Book 8 and I ask you to make a brief statement about that.

A This problem has been dealt with so exhaustively by Dr. ter Meer's examination and by many witness that I should prefer not to deal with details of this chapter. I make Dr. ter Meer's statements also my own.

Q Then a further point mentioned by me yesterday which seems of no significance here but which recurs in the indictment and in the trial brief. This is Mr. Buotofisch's affidavit, Book 9 of the Prosecution, Exhibit 261, according to which shortly before the war or when the war broke out you are supposed to have said "this is war." I don't know what one must conclude from that but, at any rate, I ask you to state your opinion about that since it has been treated and mentioned?

A Probably the Prosecution intends to prove by reference to this document that on the 28th or 29th of August 1939 I made such a statement and from that it wants to conclude that I had known something about this war of aggression; about the elapse of time around the 30th of August 1939 I have no clear recollection. I merely know that on 3 September on a Sunday I received an order by the authorities by way of telephone that the economic mobilization was in force. This would also be in conformity with the telegram which the Vermittlungsstelle-W sent to Struss on 3 September 1939. This is Prosecution Exhibit 264, NI-2765, Book 9, page 127 of the German. Undoubtedly, the situation before the declaration of war was tense. Since the newspaper spoke repeatedly of border incidents on the Polish-German frontier and also certain military preparations could be noted, for instance, the order to report to the draft boards to members of the Farben employees and that plant manager meetings took place at that time is not remarkable but I do not remember that in any one of these meetings I made a speech about the war.

Furthermore, I refer to Prosecution Exhibit No. 29, NI-8637 in Book 3. This is a record of Mr. Bueteffisch's interrogation which led to Exhibit 261. On German page 41 Dr. Bueteffisch says: "He —" and that is myself — "said that everyone should have to do one's duty peacefully and quietly. I demand that every man be at his post. We are at war now." Even if I cannot remember these words they still would not have meant anything but a statement of the fact which could have been made only after the official declaration of war. That is, not on the 28th or 29th of August. I and all my associates were surprised by the declaration of war on Poland and by no means enthusiastic about it.

Q This would finish the specific charges in respect to Count I of the indictment but I have a few more fundamental questions. In Prosecution Document Book 11, Exhibit 317 the various offices are listed that you held and I should like to ask you now whether you had any special knowledge by reason of these offices you hold of Germany's preparation for war and of its political intentions?

A In regard to my fields of work within Farben I have already stated what I had to say in my capacity as main plant manager, and I did not learn anything about political or military affairs. My affairs dealt with purely social welfare. As far as I was informed in my capacity as member of committees I was never able to conclude that Germany was preparing a war of aggression. My positions outside of Farben had a purely social character, for instance, the membership in the Advisory Council of the Economic Group or the Reich Group Industry. The fact also that I was a member in the Reich Association for Professional Training, etc. But the positions dealt regionally with economic questions through their offices and local restrictions did not offer me any source of information. The same also applies to my function as Aufsichtsrat and Verwaltungsrat members.

Q How about your position as Military Economic Leader and you became such a Military Economic Leader in 1941?

A That was only a title. The Reich Minister of Economics in 1941 sent me the document appointing me to this position through the mail. The appointment was probably made at the suggestion of the County Agricultural Office in my capacity as Plant Manager of Leuna but I cannot say that definitely. I was never sworn in in that capacity. I did not attend any meeting nor fulfill any sort of function.

Q I offer Exhibits 30 and 31 in Book 8 in that connection and I also refer to the certificate of the Vice-president of the Chamber of Commerce Halle and all these documents confirm the description of Mr. Schneider. In summing-up what has been described as to the development of products in your Sparte, the participation in stand-by plants and in the stock-piling policy in the Abwehr and in the other preparations for re-armament, the Gernittlungsstelle-W, then in conclusion I should like to ask you once more whether you might have drawn any connection from that about the nature or military intentions of the German Government?

A I was not able to make any definite conclusions from that and especially in respect to the planning of a war of aggression. These steps and measures are measures within the Sparte and within Farben and were quite in keeping with strengthening the military economy of Germany in regard to waging a defensive war. These steps were taken abroad in non-German countries and are still being taken today to an even stronger extent as can be seen from the instances in the development of many industrial products. One might have concluded quite to the contrary that Germany was not preparing at all for war a war on a large scale and the frantic development on both sides during the war also confirms that fact.

Q You are not only charged with preparing a war of aggression but also with waging such a war. What have you got to say to that?

A The description of products of Sparte I and the use of their products during the war were strict regulations and were subject to

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orders of the Reich Government on which the producer had no influence.
I merely did what every German was obliged to do during the war.

Q This concludes my examination in regard to Count I. I have
only one question in regard to Count II. Should I put this question
before or after the recess?

THE PRESIDENT: You have fifteen minutes yet, doctor.

BY DR. DIX:

Q Count Two of the indictment, the so-called spoliation, deals with business policy and Farben measures abroad. Do you have anything to say about that?

A The events with which Farben is charged in Count Two of the indictment were not connected with me personally at all. I had knowledge of these events as far as they were reported on in Vorstand meetings. All cases referring to Count Two were dealt with either by expert boards or by responsible members of the Vorstand. They were prepared most carefully and I knew that contracts and agreements that led to acquisitions or participations were checked over as to their industrial, commercial and legal aspects minutely. I had to have complete confidence that all questions were dealt with correctly and conscientiously so that, as a non-expert, I was able to take cognizance of these facts. I am still of the conviction today that Farben and all those persons who had to deal with events under Count Two are not guilty in the sense of the indictment.

Q I now turn to Count Three and in this connection I should like to present Document Book 9 first. This document book 9, in its first document, deals with Schneider's position as the main plant manager. I believe it is advisable to clarify initially a few questions of translation. First of all, there's the word Betriebsfuehrer which has been translated as plant leader and not with plant manager. I also believe that it would be better to choose a particular expression because the conception plant manager and business manager are something different. Business manager has to do with corporate law and the business, as such, but the plant manager has the social care and perhaps it also has a somewhat military connotation as was in keeping with the character of the circumstances. I think one should say plant leader for Betriebsfuehrer and then Hauptbetriebsfuehrer should be the chief plant leader or in legal terminology leader of the enterprise would be chosen and not Hauptbetriebsfuehrer. In the beginning of Book 9 in the English

text on page 2 there's been a considerable misunderstanding. In the German it is Betriebsfuehrer und Gefolgschaft. That should be plant leader and employees. Gefolgschaft should have been translated with staff. That's a repetition again. It should be plant leader and staff, Personnel, employees or staff. I want to say that staff, the word Gefolgschaft, are all employees and workers that are concerned. There are certain exceptions and according to what I heard I believe that staff also comprises everything and the somewhat military connotation is not very bad either. I don't really know.

MR. SPRECHER: I think that with respect to the first suggestion of Dr. Dix it would be preferable to translate Betriebsfuehrer, when it is used underneath the law for the regulation of national labor, as plant leader, because the word Fuehrer and leader, with respect to this Nazi era, go hand in hand. However, it should be pointed out to Your Honors that many times Betriebsfuehrer is also used when the word plant manager in a broader sense is meant and hence you cannot always rely on plant manager as merely meaning a plant leader under the law for regulation of national labor. As to the second point, Gefolgschaft, underneath the Fuehrer principle, the leadership principle, Gefolgschaft would mean the followership, but we have no objection to its being translated as staff.

DR. DIX: I think that suggestion is very good. I had made a similar suggestion but my colleagues rejected that. That new word might perhaps be very good although it is not very customary. I merely want to emphasize that if I stressed the military connotation this did not mean that in the life of those persons any military tendencies prevailed but the intention of the word is probably such. Mr. Wagner says it is the Party political inflection that causes this leadership.

Then the translation of the word RAT. For Betriebsrat I should like to have plant council. Vertrauensrat should be confidential council and Unternehmererat should be a enterprise council. These were only advisory functions and no functions of decision according to

the National Socialist principle. That can be seen from the law and shall be confirmed by the witness Dietz whom I shall call.

I offer various documents in regard to Mr. Schneider's position as main plant leader and shall examine the witness Weiss later about the same subject and especially because Mr. Schneider, who is not a lawyer, has not quite clearly expressed his position and partly even incorrectly referred to these legal problems in Exhibit 1328, Book 68 of the prosecution. Exhibit #35 will be Document #239. This is an excerpt from the commentary by Hueck, Mitterday and Dietz about the law regulating national labor since 1934. The prosecution, in Book 67 in their Exhibit 1309, already offered certain quotations. My quotations also come from the same book. The first quotations are paragraph 1 of the law and a commentary about the so-called plant community, Betriebsgemeinschaft, because it shows that the cooperation of the plant between Fuehrer, the leader and the followership, the Gefolgschaft, is the position within the law. The technical connotation of plant leader should be chosen, not plant manager. The tendency of the law was quite evident. The position of a community of work of the plant - that is the leader and his employees and workers - as opposed to the non-members of the enterprise. That would be the entrepreneur or the owner and to strengthen his position with the result that the dependency, as shown by the development, on the state and on the Party became stronger and stronger gradually. I also refer to Paragraphs 2 and 3 of the law in the document book. I then turn to a quotation on page 3 of the document book about the position of controlled workers. Criminal prisoners, prisoners of war and inmates. From this quotation of Hueck - the book is also in the prosecution's possession - it can be seen that these controlled workers did not belong to the staff and not to the community of the enterprise and the commentator says that already before the war, because, as he says in his legal expression, because the contract was not concluded between the enterprise and the worker but because the contract was con-

cluded between the enterprise and the authorities, the result was that the controlled workers are under the supervision of the authorities so that the high flown expressions of this language used do not apply to these conditions. I emphasize this only because Mr. Schneider has explained explicitly in his affidavit that these people also belonged to the staff. I do not want to say that the plant leader had no responsibility over these controlled workers. As far as he was able to do so, he, of course, had the same general duties as were existing everywhere without being able to apply special National Socialist law, however.

Article 17 deals with the enterprise council which had to be formed in an enterprise next to the plant council in an enterprise consisting of various locally separated plants. It was the task of this enterprise council, according to the law, to advise the enterprise leader and the main plant leader if there was no entrepreneur present, which probably was not the case in such enterprises very frequently. I should now like to quote from page 6, exceptionally, because it delimits the competence of the advisory council of the enterprise and because it shows that the local plant in Germany at the time was the unit determining the work law. It says:

"The task of the enterprise council, in its actual sense, corresponds to that of the shop stewards' council. In the same manner as the latter advises the manager of the individual plant, the former shall advise the owner and or manager in social policy matters. However, it is expressly stated in Article 5, paragraph 2 of the 17th Implementation Regulations, that its tasks concerns only such matters which apply to several plants." That is, interests that are over and above the plants. "If any question should arise which applies to one individual plant only, then the plant leaders of this particular plant will be the sole agency to advise the plant manager unless the owner has reserved the right for himself to pass a binding instruction. Then the leaders of the enterprise has reserved the right of giving the instructions. If

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he did not do so, then the plant leader is the decisive person."

I believe it is best for us to have the recess now. I should really like to read the paragraph but I believe that it's a little to long.

THE PRESIDENT: Very well. We will recess until 1:30.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours.)

THE MARSHAL: The Tribunal is again in session.

PROSECUTOR: You may continue Doctor.

DR. HEDDLETH DIX: I should like to read Paragraph 5 of the 17th regulation for the execution of the law regulating for National Labor. That is on page 6 of the German document book. The regulation is dated May 1937. The regulation refers to the Enterprise Council (Unternehmensbeirat) and reads as follows: "The Enterprise Council will be called in for consultation particularly if such measures are concerned as mentioned in Article 6, paragraph 2 of the Law Regulating National Labor, (Gesetz zur Ordnung der nationalen Arbeit.) Insofar as the owner or the manager of the enterprise has reserved the right for himself to pass decisions for all or several plants which are eligible to have confidential councils, (Vertrauensräte). The confidential councils of the individual plants need to be called in for consultation in any such cases. Joint plant regulations promulgated for all or several plants of the enterprise will supersede the plant regulations pursuant to Article 26 of the Law for Regulating National Labor, irrespective of any possible supplements which might be advisable in the individual plants because of prevailing special conditions. The provisions pertaining to joint plant regulations are legally binding as minimum conditions for the employment relations covered by it.

"Section 2. Measures which concern one individual plant only, are not subject to be submitted to the competency of the Enterprise Council." For the rest I refer to the document book.

From these regulations it can be seen that the owner or the manager of the enterprise limits his competency himself, and this has its reason in the fact that the locally limited plant was the unit of work for this law,

a solution which certainly had its advantages, because the plant leader of the individual plant has a chance to see things much better than the absentee owner or manager. I present this because Mr. Schneider as a non-lawyer made much too broad statements about his authority in his affidavit. This limitation does not mean, however, that he denies any responsibility altogether. I shall deal with that in detail during the presentation of evidence and also in my final plea.

We now have Document 200, which is offered as Exhibit 36. This is an affidavit of Dr. Weiss about the application of the above cited regulations in the case of Farben. From this it can be seen that the Enterprise Council and the leader of the Enterprise especially had to deal with all questions of social welfare pensions, and building matters, especially those things going above and beyond the Enterprise itself. The state social welfare policy, however.. I am just being told that if I offer an affidavit I should not call Dr. Weiss as a witness; but I am going to call Dr. Weiss for other things. The affidavit will be dealt with only to the extent that I shall ask Dr. Weiss to explain the chart in more detail. Otherwise, Weiss will testify as an expert to the legal concepts I have just treated and about the problems under Count 3. In a sense he will be a witness for all the defendants.

I said that state social welfare policy relied on state regulations and local conditions so that to that extent the enterprise Council later could not take a direct influence on such policy. Certain principles, of course, are mentioned, as will be shown in the examination.

The next is Document 267, which will be exhibit 37, another affidavit of Dr. Weiss about the social welfare measures of Farben which dated back for decades in the persons of the founding firms. I shall not quote. I should merely like to ask that this affidavit be read by the Tribunal as it is of special interest.

I shows the extraordinary social welfare tradition of Farben, which I shall prove also by other means. I refer especially to the index, page 2 of the document, page 18 of the book, which gives a survey of the subjects treated.

The next is Document 191, which will become Exhibit 38. This is an affidavit of Dr. Rodenacker about investigations of medical care and the state of health of Farben employees, and this includes foreigners during the war. And I again refer to the affidavit. The voluminous books mentioned at the end of the affidavit about sickness statistics of Farben have not been introduced by me because of their large size and to avoid the burden of work connected with the translation. But if it is desired by the Tribunal or by the Prosecution, I can do so. These books would show what extraordinary care was taken in Farben, about the physical condition of the employees.

I further offer Document Number 226, which will become Exhibit 39, a further affidavit of Dr. Bertrams concerning his letter of 10 March 1943 in Volume 68 of the Prosecution -- Exhibit 1326, Document NI-631 concerning the possible employment of children by Farben within the limits of the official regulations. I do not offer paragraph 2 from this affidavit. Please strike it out. This paragraph 2 refers to a affidavit Letsch, which was not offered by the Prosecution. This passage is, therefore, not necessary.

The next document, 182, is offered as Exhibit 40 it is an affidavit of Miss Heyner, about her arrest in Leipzig when she was trying to obtain evidence from Leuna. It shows the enormous difficulties which the defense has in trying to procure evidence in this case. The next document number, No. 20 ...

MR. SPEECHER: I don't see the relevancy to that.

THE PRESIDENT: Well, of course, the Tribunal has not had an opportunity of reading it. For the purpose of objection, if counsel for the Prosecution wishes to object, we will have to hear what you have to say about it, both of you.

MR. SPEICHER: Well, I take it the purpose is stated in the index, and if any further purpose need be stated, I will be glad to have counsel state it, but on the basis of the showing made in the index itself, it's clearly incompetent. I can't see what possible purpose that has to do with the issues of this case. If Dr. Schneider requires some assistance in order to conduct his investigations, he knows that the proper way to make his application for that is by an application. I move that the exhibits on the showing may be at this time stricken from the evidence.

PRESIDENT: We will hear Dr. Dix.

DR. HELLMUTH DIX: I believe that I can remember with certainty that the Prosecution themselves stated that in their search for evidence in the East they encountered difficulties. According to what I have heard what I wanted to procure through Miss Heyner illustrative material from Leuna, could not have been procured by application of the American authorities to the Russian authorities. I admit that this exhibit is not relevant as substantive evidence, but as far as the proceedings are concerned, it is of relevance, because these difficulties of procuring evidence should be stated for the record, especially since difficulty in obtaining material from foreign countries is already part of the record as you will no doubt remember.

DR. DIX: If I may make a suggestion: I would be satisfied to offer it merely for judicial notice and to give it a number for identification.

MR. SPRECHER: Mr. President, if this has any relevancy or competence in this case, then I am afraid the Prosecution would have to go into certain questions as to how certain evidence has been gotten by the Defense from the Russian Zone, which would go into some problems which might not be entirely helpful all the way around to discuss here, and I thought -- I am rather surprised to find this document here, because this matter has been talked over with defense counsel a number of times. I don't see what it has to do with the issues.

THE PRESIDENT: Well now, we will recall that the Prosecution has, a number of times, stated in Court, problems and difficulties it had in getting evidence. That has been repeatedly said. I am not sure that it's in an affidavit or it's in evidence form. However, the Prosecution must have deemed it proper for the Tribunal to have its views, to have stated it in open Court.

Now, we are concerned not to get off here on a collateral issue and have this record loaded up here with showings of those difficulties. We are not going to have that. But we do feel that the Defense is entitled to to say to the Tribunal in some way what has been said by the Prosecution; and I am sure, Mr. Sprecher, you will recall, time and time again you and your co-counsel have made observations about your difficulties of getting evidence and the disadvantages the Prosecution had because your staff were in another country. Those things have been said -- or that in substance. I don't think there have been any affidavits or any evidence of that kind offered, but, and we don't want to get this record in the shape where we are going to have to listen to a lot of that kind of evidence.

If Mr. Dix wants to make a statement comparable to what the Prosecution has said about the difficulties, we will call this a past

incident and close the book on it, because we are not going to try this issue. But he should be accorded the same privilege of saying to the Tribunal that he has had difficulties in getting evidence, that the Prosecution has several times indulged in the trial of this case.

I am not saying that critically. I am not even saying it was improper. I was probably true, and the Prosecution was entitled to make that statement. Counsel for the defense ought to have the same privilege, without establishing a precedent here that is going to get us off and have a lot of affidavits brought in about matters of this kind. We are concerned not to do that.

MR. SPRECHER: We have introduced evidence concerning evidence that has been destroyed upon the orders of these defendants or by the German authorities, Mr. President, but I don't believe that apart from discussing with your Honors difficulties of bringing affiants here for cross-examination, we have ever raised this subject in any way in open court.

DR. DIX: I want to emphasize that the Defense does not have to avoid any discussion. I don't know what Mr. Sprecher means by implying something might be embarrassing. Perhaps only with the exception that those persons residing to the East might have some difficulty, there which I, however, would only regret, and which I hope will not be the case. I do not intend to offer any other document in this connection. This is the only one, as an example.

THE PRESIDENT: Out of precaution that we may be opening the door here to a wholly collateral issue, we will permit your document 182 to bear your Exhibit Number 40 for purposes of identification and sustain the objection to its admissibility. We think the Tribunal is sufficiently advised of the difficulty that all of the parties had in the preparation of the trial of this case, and we certainly do not want to establish a precedent here of trying an issue that would not be very helpful. The objection will be sustained.

DR. DIX: The next document is Number 20. I don't know about the previous document. Is it not to receive any identification number? Then this Document 20 would become Exhibit 40.

THE PRESIDENT: No, it will keep its number, because otherwise we could not identify it if some other controversy arose with reference to it. It will bear Number 40, and your Document 20 will be 41.

DR. DIX: Yes, Your Honor. Exhibit 41 is an affidavit of Dr. Polster about the employment and treatment of foreign workers at Leuna, Schneider's opposition to this employment, their housing in camps, the equal treatment accorded to foreigners and Germans with regard to food, wages, worktime, and furthermore, Dr. Polster (who was in charge of these matters) also treats the efforts made by the plant in regard to improving the food, recreation and leisure time and the procurement of means of transportation. From the affidavit it can be further seen that the cost of the camp was 1,000 to 1,200 marks per head.

The next document is 188, Exhibit 42, an affidavit of Dr. Landsmann of Leuna, about the same subject as Dr. Polster, the difficulties the plant had with the Gestapo, recruitment especially at the time when there was unemployment in Antwerp, in Croatia, and then there are also statements of foreign workers added to this affidavit which were made to Dr. Landsmann. Dr. Landsmann was also one of the experts on these affairs at Leuna, and as such he received these affidavits, which are very material for describing the over-all conditions at Leuna.

May I be permitted to give a few short quotations from this document? Appendix 1 of this affidavit reads as follows: "Herewith we certify that Dr. Landsmann, in his position as personnel chief of the Leuna Works, always treated us decently and with consideration. Even when we had to suffer under the Nazi regime and methods, he was the man who did his best to help us and protect us whenever he could. We know that he saved several of our countrymen from being condemned and put into concentration camp. This means in reality that he saved their lives. Signed

by the confidential agents (vertrauensleute) of the French and Belgian Workers, certified by an agency of the American Military Government.

The next appendix I shall only read in part. It is from Yugoslav confidential agents. "He always saw to our personal well-being and ---insofar as this was possible --- also to that of our families, always interceded for us and compatriots of our acquaintance, and also protected us from the Nazi regime and its methods, insofar as it was in his power to do so. We would, therefore, like to state that he always endeavored to make work and life in Germany as easy and bearable for us foreign employees as he could."

The last appendix, again from a foreigner, given to Dr. Landsmann, says: "I should like herewith to state that you Dr. Landsmann always tried to make work and life in Germany as easy and bearable for the foreign workers as was in your power. You always tried to remedy the abuses which arose from or were caused by agencies of the National Socialist Party, and, as far as the Bulgarian and Yugoslavian workers are concerned, successfully remedied them, so that the workers mentioned are returning to their homes with a feeling of deep friendship and gratitude to you personally. This gives me the occasion of conveying the above-mentioned gratitude to you and of assuring you that you may count on the Yugoslavian and Bulgarian workers at any time."

MR. SPRECHER: Mr. President, I'd first like to have some information from Dr. Dix in connection with Schneider Exhibit 42, Schneider Document 188.

If the enclosures are intended as proof, I don't see why they haven't been put in as affidavits by these individuals. It doesn't help to have documents made competent here because someone writes an affidavit and then says that he has -- and then attaches some incompetent statements which are not signed and where there is no showing that the actual persons who are giving the information are available, their address, whether they can be cross-examined, and so on. Now, since there has been some talk about devious means of attempting to get in incompetent evidence ---

THE PRESIDENT: Now gentlemen, let's just save that part of the record for any criticism that you gentlemen may feel with respect to each other. The Tribunal is wholly disinterested in that regard. We are going to treat you all as reputable lawyers who have a place in this trial, and we can save all of that. Now, counsel, if you have an objection to make to this document or to any part of it, we would be very glad to hear you, but there has been a bit too much of crossfire between counsel here that is wholly unnecessary and does not concern us in the least. Does the prosecutor wish to make an objection.

DR. DIX: These statements that I read are appendices to the affidavit of Dr. Landsmann, and the correctness of the copy has been certified to by Dr. Silcher, who spoke to him. It is not possible to get affidavits because, in the case of most of these people, we do not know where they are. The only foreigner working at Leuna whose address I was able to get is Mr. Gentscheff, the man who signed the last appendix. I was able to get in touch with him in Germany, and I have offered a separate affidavit from him. I believe that these appendices should be admitted...

THE PRESIDENT: May I ask you a question, Dr. Dix? Is it your theory that these are in the nature of contemporary documents that were

in the possession of the affiant, Dr. Landsmann, and that he has, by reference, made a part of his affidavit? Is that a correct statement?

DR. DIX: No. He swore out his own affidavit, and...

THE PRESIDENT: Does he refer to these exhibits or appendices in his own affidavit?

DR. DIX: Yes, he refers to them and adds them to his affidavit. He identifies them. The correctness of the copy...

THE PRESIDENT: Whereabouts in his affidavit? Can you direct our attention to the reference to these documents?

DR. DIX: I shall have to look it up.

Yes, on page 8 of the affidavit -- that is page 91 of the German text -- No. 22, it says, "I myself possess certificates from Belgian, French, Yugoslav, and Bulgarian foreign workers which, however, refer to my own person. At the time when the foreigners left, two of them were sent to me without any solicitation on my part," and there are witnesses to that. And he says in that sentence further on, "Although they refer to my person --"

MR. SPRECHER: Mr. President, these purported certificates are signed in 1945, shortly after the final collapse of Germany. Now, admitting evidence of this kind when the availability of these people isn't known at all -- they weren't under oath at the time -- is exceedingly dangerous. It's certainly known that there were so-called Vertrauensmaenner from among the foreign laborers, who possibly can be called traitors or what you will, and we are in no position to find out anything about these people or to do anything about it, to either question them or to have them checked in any way, shape, or form. Where are they now?

THE PRESIDENT: The point I was trying to determine for myself was this: Whether or not these letters, which manifestly were received by this affiant long before the indictment was returned upon which this case is progressing -- whether they were received by him in due course as voluntary statements from the writers of the letters, and were part

of his personal files which he has, by reference, made a part of his affidavit. Now, that is one thing.

Now, as to whether or not the Prosecution is handicapped in its ability to meet that is, one of the troubles and vicissitudes of a lawsuit which any Tribunal ought to, and this Tribunal will, take into consideration in attaching weight to these things.

But since they are -- and I think counsel for the defense misunderstood me -- in the nature of contemporary documents that cannot be branded as having been manufactured or conceived for the purposes of evidence in this case, but on the contrary came into the hands of this affiant in due course, long prior to the commencement of this case, we think that they are competent and that the objection which the Prosecution has made, with some good reason, goes rather to the weight to be attached to them than the admissibility. The objection will, for these reasons, be overruled.

BY DR. DIX:

Q The next is Document 278, which I offer as Exhibit No. 43. This is an affidavit of Schlosser, and deals with the dispute with the Labor Front mentioned by Schneider.

The next Document, 279, Exhibit 44, is an affidavit of Dr. Reuss, who now holds a high ministerial position in Germany. He confirms that in his opinion Farben was the most progressive firm in social welfare aspects Germany, and that for this reason it was reproached by other independent enterprises.

Finally, we have Document 280, Exhibit 45. That is an affidavit of the Bulgarian Gentschoff. That is the same Gentschoff who signed one of the letters to Landsmann that was just now discussed. From this last document I again ask that I be permitted a short quotation. 104 of the German, at the end of the book. It reads; "Social conditions at Launa were conditioned by the war while I was there, but in spite of this they could be called good. Accommodations (barracks camps) were good and even better than in other plants which I knew. The rooms

were usually occupied by eight to ten men; there were day rooms and dining rooms. Provision was made for taking the workers to work, and in this connection the plant management had gone to great trouble to provide numerous buses. Hygienic and sanitary conditions were good; every worker had the opportunity of thorough bathing (shower baths). The food was of wartime quality and was delivered by the plant as so-called plant food. The plant management went to great lengths in this connection to satisfy the people in this respect. Medical care was likewise good, owing to the well-organized dispensary. In the matters described herein, no differentiation was made between German and foreign employees."

This brings me to the end of presenting Document Book 9.

In regard to the discussion shortly before the recess, which caused ejaculations and misunderstanding, I want to remark that the concepts of Betriebsfuehrer and Gefolgschaft, plant leader and staff, have a certain military connotation only in order to strengthen discipline below and authority above, which was shown in the Third Reich in the uniform of officials, among other things. It does not mean that the plant leader, as such, had any political or military duties. His duties were of an industrial and social nature.

I now continue the examination of Dr. Schneider. I turn to Count III of the Indictment.

I have one more question about Document 200, whether these gray charts are with your files in the case of this particular document. This is Exhibit 36, page 17.

THE PRESIDENT: Dr. Dix, only my own personal book has it, I believe. My associates do not have it. You mean that chart that is entitled "Social Organization of I.G. Farben"?

DR. DIX: Yes. We do not need this chart today, but when the witness Weiss is examined we shall need it. I shall again turn to Count III and first of all deal with Dr. Schneider's position as Main Plant Leader (Hauptbetriebsfuehrer) of Farben. From what period on,

Mr. Schneider, were you Main Plant Leader of Farben?

A From 1938 on until the end of the war, as Professor Selck's successor, who had held this position since 1934.

Q Can you tell me quite briefly what the character of your position was?

A According to the Law Regulating National Labor, in stock corporation, (Aktiengesellschaft) the Vorstand represented the position of the owner and the leader of the enterprise. If he did not work in the plant itself, for instance if he resided in another locality, the Vorstand had to delegate a person as leader of the enterprise. If the Vorstand consisted of several persons, then it had to single out one member to exercise the function of the leader of the enterprise. If the corporation consisted of several plants in different localities, then the Vorstand also had to appoint one deputy from among its ranks who would be the leader of the entire enterprise. In Farben, that was the person of the Main Plant Leader.

Q. Is this term "Main Plant Leader" mentioned in the law?

A. No. It was probably chosen as a parallel to the Main Plant Cell Obmann Hauptbetriebszellenobmann, the man appointed by the German Labor Front for large enterprises with several plants.

Q. What other position did you hold in your capacity as Main Plant Leader?

A. I was also the head of the Enterprise Council.

Q. For what reason was this Enterprise Council formed?

A. According to the Law Regulating National Labor, in enterprises with various plants, an advisory body representing the employees had to be created to advise the entrepreneur on social welfare questions. This body consisted, in the case of Farben, of ten Confidential Council members from the larger plants.

Q. Did any other persons participate in the meetings of the Enterprise Council in Farben?

A. Yes, from the employers' side various plant leaders of the larger plants.

Q. What was the name of this body?

A. These were the so-called Plant Leaders' Meetings. (Betriebsführerbesprechungen).

Q. And these same persons also participated in the meetings of the Enterprise Council?

A. Yes.

Q. How often did these bodies meet?

A. Several times a year. Later because of the difficult traveling conditions, they could meet only rarely.

Q. How long did these meetings usually last?

A. Before the Enterprise Council Meeting I usually called the plant leaders to a Plant Leaders Meeting in order to discussing the program for the Enterprise Council in advance. The discussions Plant Leader Meetings and Enterprise Council -- two and a half hours each.

Q. What were your main functions as Main Plant Leader and head of the Enterprise Council?

A. My functions referred to questions of social welfare, as far as they were organized beyond the individual plants in Farben.

Q. What was included in this duty?

A. Among other things, the compilation of regulations for the operating of the plants, setting the general working conditions of Farben plants uniformly in several points. Furthermore, regulating the age of employees in the various enterprises, especially the pension funds. Farben's yearly premium was set forth and the institutions for savings for the employees. Then the general policy regarding construction of homes, professional training questions, questions of tariffs which had to be regulated uniformly for all of Farben, and also prior approval of all credit applications of the plants for the entire social-welfare field, as a preparation for the Technical Committee. These are about the most important problems, which I had to deal with as the leader of the plant and head of the Enterprise Council.

Q. Then the credits for barracks construction in the camps were also part of your work?

A. Yes, these credits also belonged in the social-welfare field.

Q. As Main Plant Leader, did you have any other functions?

A. In the office of the Main Plant Leader of Leuna -- in my office, the Bertrams office -- statistical reports were prepared for staff and salary fluctuations and general social-welfare questions, for orientation of the Vorstand members interested in these questions.

DR. DIX: I want to make one remark with regard to the translation, to avoid any misunderstanding. The translation of social in politic should be "social welfare."

Q. To what extent was it customary in Farben within the regula-

tion of the law that I read to you, for you to give directives and instructions?

A. According to the law, I had to issue directives insofar as my predecessor and I had reserved the right to do this, and to the extent that this corresponded with practice and the rule in Farben.

Q. These were the fields that you have sketched?

A. Yes.

Q. In what fields did you not give these directives?

A. In the field of state social-welfare policy.

Q. What did that include?

A. State social insurance, local salary and tariff questions, the general working conditions as set forth in the local plant regulations, and above all the hiring and employment of workers.

Q. Who was competent for that?

A. The local Plant Leader was responsible for that.

Q. What is the reason for this regulation?

A. This plant leader, who worked in the plant and who was familiar with it, was, according to the Law Regulating National Labor, to have the principal responsibility for local conditions. Agreement had been achieved on this in Farben always.

Q. What is the reason that in the fields of state social welfare, for instance labor commitment, you did not issue any directives? What is the deeper reason for that?

A. Because these things were set down and managed by the local and provincial state authorities, such as for instance the insurance agencies, the Trustee of Labor, the regional labor offices, and the local labor offices. The entire enterprise of Farben -- and therefore I -- could not intervene at all in these local conditions.

Q. This practice existed earlier, didn't it?

A. Yes, this condition was already in existence when I became Main Plant Leader.

Q. That was before the war. Perhaps the reasons were some-

what different?

A. No, not at all. Nothing changed in these things when the war broke out.

Q. If you learned, however, Dr. Schneider, that in some field of social welfare something was not quite in order, what did you then have to do?

A. If I had heard anything about it, I would of course have had to take it up and settle it with the plant leader in question. Further, I was able to get insight by conversations with the plant leaders and the heads of the social-welfare departments and on occasional trips to the various plants.

Q. As Main Plant Leader, did you have connections with the German Labor Front?

A. Yes. The German Labor Front, as balance to the Main Plant Leader, had an institution they called the "Hauptbetriebszellenobmann", whom I mentioned before, who was at the same time spokesman for the confidential agents of the employees on the Enterprise Council. The appointment of this "Hauptbetriebszellenobmann" was done by the Technical Office for Chemistry (Fachamt Chemie) of the German Labor Front, and required the approval of the Gauleiter of the place where the enterprise was located. That was for us Frankfurt, that is, Hesse. When this position was newly filled I had to deal with these agencies. The Technical Office for Chemistry came to me repeatedly when there were differences of opinion between plant leaders and "Betriebsobmaenner." Furthermore, in questions of professional training I had a constant exchange of ideas with the Technical Office for Chemistry, and that, as I already mentioned, led to the dispute with the Labor Front.

Q. I now come to the details, the problem important here, the employment of foreigners. In your capacity as Main Plant Leader, were you active in the employment of foreign workers?

A. Only insofar as my office at Leuna collected employment statistics and made them available to the other bodies, such as the Enterprise Council or the Tea. Besides that, of course, the Enterprise Council and the Plant Leader meetings and the Tea, too, quite generally discussed the experiences that had been gathered about these foreign workers.

Q. Was the admissibility of the later compulsory employment of foreign workers ever discussed in principle in the Enterprise Council or in the Plant Leaders Meetings?

A. It was never discussed in principle, no.

Q. What is the reason for this?

A. As I have said already, these bodies did not have to deal with employment of labor in principle. Above all, there was no possibility

of making any decisions, because this compulsory employment had been regulated by state authority.

Q. You were a member of the Vorstand as well. Was the question ever discussed there, in the way I mentioned?

A. No, for the same reason.

Q. Were there ever misgivings on the subjects raised in any one of these bodies?

A. I do not remember that.

Q. Did you not have any misgivings about this yourself?

A. Yes, of course I did have misgivings, because the employment of experienced German workers or at least voluntary foreign workers in our difficult and delicate production was preferable for many reasons.

Q. Did you express these objections to the authorities for labor commitment?

A. Yes, of course I did.

Q. Couldn't you have voiced the misgivings from the point of view of International Law, which have been brought out here?

A. No, I was not a lawyer, nor was I an expert on International Law. I had to assume that all these things had been checked over by the authorities. Besides that, I know from the first World War how impossible it is, without knowing all the circumstances, to discuss doubtful questions of International Law with the authorities. Such things could not be

discussed with the authorities by a private citizen in the Third Reich, and under another form of government that cannot be done either, in wartime.

Q When did you hear about the compulsion exerted in the engagement of foreign workers?

A As far as I remember, on the occasion of the compulsory recruitment of Russians, that was probably in 1942, approximately.

Q What did you think about it at the time?

A Of course I regretted it, and I was opposed to it, because I am against any injustice.

Q What was the legal situation in the west? Were you informed about that?

A I know that in France, after initially voluntary recruiting the Vichy Government passed a law to draft people for labor.

Q Did you learn about conditions in other European countries through reports from your employees?

A Not in detail, but I knew that state contracts had been concluded with various countries, whose contents of course I do not know in detail.

Q Well, then I would like to ask the question once more that has been repeatedly asked here. Did you or Farben have a possibility to offer resistance to the forced recruitment of foreign laborers? Please answer briefly.

A No, that was not possible, as many witnesses have confirmed here. Besides, we would not have been able to fill our production orders, and this resistance would have been interpreted as sabotage against the war effort.

Q In Prosecution Document Book 68, Document 1327, some correspondence has been submitted between von Schnitzler and Mann regarding French workers. Please comment briefly.

A This was an operation already in motion for the procurement of suitable workers for the chemical industry, with the assistance of friendly French firms, in the interest of both parties. I had the

desire, especially for Leuna, to obtain suitable workers in this way. Within the scope of its necessary labor commitment, Leuna was interested in workers who were especially well suited for chemical work of the Francolor firm.

Q I now turn briefly to the employment of prisoners of war, in the framework of your capacity as Main Plant Leader, and I ask you whether the Enterprise Council or the Plant Leader Meetings or the Tea or the Vorstand ever discussed this question in principle?

A No, for the reason already mentioned in the case of foreign workers in general. This engagement, especially was completely under the control of the authorities, such as the Labor Office and especially the armed forces, so that Farben had no possibility of exerting any influence.

Q Did these authorities also see to it that the prisoners of war were employed according to International Law?

A Yes, that was done by the commander of the prisoner-of-war camps, the Stalags.

Q Had any central state directives been issued about this?

A In regard to employment in industry, yes. Directives had been issued especially for war-important plants where prisoners of war were to be used: vital for war purposes, that had nothing directly to do with hostilities.

Q For various legal reasons, I shall come back to that when I discuss Leuna. I now turn to the question of concentration-camp inmates. Was the employment of these persons ever discussed in the Enterprise Council or the Plant Leader Meetings?

A No it was not.

Q Was this question ever discussed in the Tea or in the Vorstand?

A Yes, in the Tea Dr. Ambros made a report when concentration-camp inmates were employed at Auschwitz.

A Also by Dr. Struss's statistics.

Q Did you have misgivings about this employment?

A I did not welcome the arrangement ordered by Goering's decree (which has been mentioned before), but I considered it an alleviation of the condition of the concentration-camp inmates, since employment in industry, I believed, was better for them, since they had more liberty of movement in the factory than in the concentration camp. In industry, at least in Farben, everything possible was done to alleviate their condition.

Q I now want to put to you your affidavits on these questions. This is the Prosecution document in Book 68, Exhibit 1329, German page 109. This is your affidavit of 22 April, 1947, dealing with your position as Main Plant Leader. Do you have any remarks to make about this?

A. Yes. Under paragraph 1 I must make a correction in the last sentence to the effect that I became Chief of Sparte I in 1939 and not in 1938.

Q. There is nothing else to be said to this affidavit?

A. Oh, yes. Paragraph 4. Dr. Ulrich Haberland and Dr. Walter Duerrfeld were not members of the Plant Leaders' Meeting. I remember only that towards the end of the war it was intended to have them participate in the meetings, but since no more meetings were taking place at that time, they never actually attended any meeting.

Q. I now come to /...

A. I have one more correction. This is in connection with Paragraph 8 of this affidavit, dealing with the records and the persons to whom these records were sent. I must correct that. They were not sent to Geheimrat Schmitz.

Q. That's all?

A. Yes, I have finished.

Q. I now turn to your next affidavit in the same Prosecution Document Book, Exhibit 1328 on page 98. This deals with your position as Main Plant Leader. Do you have any remarks about this exhibit?

A. Apart from the fact that again I must correct paragraph 1, to the effect, that I became Sparte chief in 1939 and not in 1938, I have quite a lot to say to this affidavit and to two further affidavits.

Q. What do you have to comment on?

A. I have to tell how this affidavit was drawn up. As you have already told the Tribunal, apart from several interrogations lasting a short time, I was interrogated especially on 27 and 28 March 1947, beginning at a quarter to six in the afternoon until a quarter past one in the morning, seven and a half hours uninterruptedly, by two interrogators. The record of this interrogation comprised approximately

120 pages and was shown to me at another night interrogation on April 1947, which interrogation also lasted five and a half hours. I had to look it through, and I signed it.

In the course of these interrogations a large number of questions were fired at me without interruption, dealing with the social-welfare problem of Farben. It was not possible for me to answer these questions adequately from my own knowledge, since they were, to a large extent, handled by department chiefs and plant leaders. I did not have any documents at my disposal. Moreover, my memory was not very good. Furthermore, many legal problems were brought up that I really could not judge thoroughly. When I pointed all this out, I was charged with being untruthful and was threatened with being taken away.

The questions were, to a large extent, leading. In the consciousness of a correct and just attitude in social-welfare questions and the same attitude on the part of my colleagues, and the Farben plant leaders, I was put into an excited condition in the course of the long interrogation. Also, I was unbearably exhausted because of the length and the nature of these night interrogations.

I believed, however, that I could not refuse to testify, since I know that I had to testify because of the laws of the Military Government.

The affidavits were drawn up in this way: They were dictated by the Prosecution and submitted to me for signature. Since, as I said, I was not able to recall the circumstances very well, and since I could not judge the legal questions authoritatively, I did not see how I could argue most of the things asked, and I signed them.

For these reasons it has to be understood that a large number of statements are contained in my affidavits which I can no longer or only to a certain extent maintain, after gaining knowledge of the documents, after studying the law, and after conversations with my colleagues, and by reason of the many affidavits of former associates.

The inaccuracies did not stem from any deliberate untruthfulness, but they are to be explained by my poor memory and the circumstances of the interrogation. Sometimes the inaccuracy is obvious.

Q. I now come back to this affidavit 1328, to the extent that it concerns your activity as Main Plant Leader. I refer to paragraphs 3 through 6, which set forth this responsibility. Do you have anything to say about those paragraphs?

A. Yes. Those paragraphs refer to the responsibility of a Main Plant Leader. I have already corrected and explained these questions during my present examination. As Main Plant Leader I was responsible for the social welfare matters that went above the individual plant and were in general effect in Farben, but I was not responsible for those that were dealt with by the plants themselves. These include especially the hiring and dismissal of workers. As I have already emphasized, I knew that I would have had to interfere if anything had become known to me which violated the law or Farben's general principles of social-welfare. I said this repeatedly when I was interrogated by the Prosecution.

Q. That takes care of 3 through 6. Do you have anything to say in regard to paragraph 7 of your affidavit? This is about the employment of various nationalities.

A. Only in regard to vacations do I have anything to say, namely that the question of vacations for the foreigners had been settled by the authorities. These were not regulations that we had issued on our own.

Q. Extracts of all these regulations will be offered by me, and where this is not done, they will be explained by the witness Weiss in his oral examination.

I believe we could also take care of paragraph 8, Dr. Schneider. Have you any remark about that paragraph?

A. Yes. The phrase that "all gentlemen of Farben had knowledge of the matters mentioned in paragraph 7" is to be understood to mean those gentlemen that had directly to do with the employment of workers. In the case of the commercial men and lawyers I cannot judge these matters. As

for vacations -- that is again mentioned here -- this matter was left up to the decision of the particular plant leader. It was his duty to decide on it and to grant this vacation if the production situation of the plant permitted it. The expression that the plant leader could act "on his own judgment" is not quite correct. Furthermore, I am not sure whether this question was discussed in those bodies dealing with inter-plant matters in Farben. It is quite obvious that the decision had to be made by the local plant leader, who alone was able to judge the production situation according to the regulations of the local authorities.

Q. Is that all?

A. No. One more thing. At the end, it is not correct that the regulations of the authorities were all distributed by Bertram's Office to the plant leaders. Most of the plant leaders received them from their provincial and state or professional organizations. That's all I have to say in regard to that point.

Q. There is nothing on 9, so we can take the recess now.

THE PRESIDENT: The Tribunal will rise.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. DIX: May I continue?

THE PRESIDENT: Yes.

BY DR. DIX:

Q I now come to # 10 in this affidavit. Will you please comment on that, Mr. Schneider? This is about Bertrams' office.

A I cannot say with certainty what Vorstand members received the Bertram's statistics. It says, "the Vorstand members". That is much too general, of course.

Q Then there's nothing more about 10.

A No.

Q What about 11?

A In the category of prisoners and loaned workers, the overwhelming portion was not concentration camp inmates. It was only a little more than half. That included E prisoners and the justice convicts.

Q Then # 12, which is recruiting.

A Here I should like to add that this recruiting on the part of F arbon men to get workers from abroad involved only voluntary recruiting in connection with production orders. Otherwise, I have nothing more to say about this point. There are two paragraphs # 12.

Q Yes, that's what I was about to say. There's another 12 on the next page. What do you have to say about that?

A The correspondence mentioned here was between the head of my office, Dr. Bertrams, and a Mr. Krause. I do not recall that this matter was brought to my attention at the time. The expression "to comb out" (auskaemmen) is military language during the war. It means the selection of suitable persons; this can be seen from Dr. Bertrams' letter. At any rate, this letter was not based upon an order of mine. It

served the interests of all concerned, including the workers themselves. In addition to that, Mr. Krause was inquiring on behalf of Mr. Kehrl, that is, on behalf of the Ministry of Economics, as can be seen from the beginning of this letter. Then at the end, as it says in the second paragraph under this number, I know of no other such suggestions on the part of Farben.

Q Now we come to 13. What do you have to say about that?

A The statement that foreign children from the age of eight upwards were employed by Farben is not true. In the interrogation I recalled that Ukrainian children worked at Leuna, but I had no real idea of their age. The interrogator, as far as I remember, said something about eight years old, and I did not object, because, as I say, I had no very definite idea. The official directives mentioned in my affidavit provided that children from 12 to 14 years of age could be employed to do lighter work. As far as I have been able to find out, these directives were adhered to by Farben. Besides, children were employed only in order to get them off the streets. As far as schools go, I may remark that I did not issue any special directives, as it says here, for schools to be built, but actually, as an affidavit shows, classes were held at Leuna, although, under the circumstances, in the later years of the war, this was very difficult. I could not remember that, however.

Q Then we come to 14. What do you have to tell us about that? Prisoners of war.

A Yes, this is about the employment of prisoners of war. I have spoken about this matter already on principle. What the interrogator means in the formulation "direct or indirect

armament industry" is not quite clear to me. This is not the normal German expression. As I have already stated, the employment of prisoners of war and its control was in the hands of the Wehrmacht and the Labor Office. I had no way of intervening, and because of the secrecy regulations I did not know the production circumstances in each plant well enough, during the war, to be able to judge. I did not know, however, that when prisoners of war were employed there was any violation of international law.

Q Have you finished 14.

A Yes.

armament industry" is not quite clear to me. This is not the normal German expression. As I have already stated, the employment of prisoners of war and its control was in the hands of the Wehrmacht and the Labor Office. I had no way of intervening, and because of the secrecy regulations I did not know the production circumstances in each plant well enough, during the war, to be able to judge. I did not know, however, that when prisoners of war were employed there was any violation of international law.

Q Have you finished 14.

A Yes.

Q. Then comes 15, which deals with the sickness rate. What do you have to tell us about that?

A. I did not suggest that the sickness rate be divided according to Germans and foreigners, but this was done in the individual plants, and this shows that in general the rate of sickness among the foreigners was actually lower than among the Germans. Higher rates were sometimes observed at the beginning of employment. Even though, when inspecting a plant, I did not inquire directly about the sick rate, I was informed about sickness statistics of Farben's and, as was said before, I entrusted Dr. Rodenacker with the investigation of conditions in the various plants.

Q. Now, you have nothing more to say about 15. Now, what about 16?

A. This is about the employment of concentration-camp inmates, and here I must make a correction. Heydebreck, Bitterfeld, and Leuna did not employ any concentration-camp inmates. Also, the expression, "after 1940 it was customary to work with concentration-camp inmates in Farben," could give the mistaken impression that concentration-camp inmates were used more or less everywhere in Farben. The truth is that they were used only in Auschwitz, Wolfen, and Munich.

Q. Please comment on No. 17.

A. This deals with reports to the Gestapo. I should merely like to point out that reports and punishments for severe offenses were regulated by the authorities. The plant leaders of Farben, as far as I know, all endeavored to interpret these regulations as mildly as possible, which will be proved.

Q. And finally the last paragraph, that is, No. 18.

A. This is about the transportation of foreign workers. I should like to remark that the transports of foreigners were guarded not by plant guards (Werkschutz), as I have found out for certain in the meantime, but by employees of the plant, in the interest of having the transport carried out in as orderly a manner as possible and in the interest

of the foreign workers themselves, so that the transport would be taken care of properly, would get food, etc.

Q. I have just received a note. I did not understand you this way, but perhaps it is best to clarify it. I refer to the violation of international law. Did you mean to say that you now do know of violations, or did you mean to say that you did not know—wait a minute—have you in the meantime learned of any violations, or do you still have the same opinion as formerly?

A. I don't know of any now any more than I did then, and I don't know of anywhere that prisoners of war were used in plants producing materials directly connected with the war.

Q. That is not the way I understood you, but I was told...And then there was another question for clarification; you mentioned credits for building barracks. We must make it clear whether these credits went through the Enterprise Council or whether you as Main Plant Leader decided and these credits went to the Tea and the Vorstand, without consideration by the Enterprise Council.

A. The credit applications were sent to Bertrams' office from the individual plants. They were worked on there signed by me, and sent directly to the Tea office. The other committees (Plant Leaders meeting or Enterprise Council) did not deal with them.

Q. Then I have a final question about the Main Plant Leader, and that is whether you want to speak about the general social-welfare policy of Farben?

A. I should not like to speak about that personally. I should like to have the affidavits and the witnesses speak on that question.

Q. Then I now come to your position as plant leader in Leuna. First of all, I ask you from what time you were head of the Leuna Plant?

A. I was independent head of the Leuna Plant from 1936 on, after Dr. Dehnelt left.

Q. Had you not long before that held a leading position in the Leuna Plant?

A. Yes. The technical management of the Leuna Plant had been in my hands since 1925. The head of the plant at the time was Dr. Dehnelt, the head of the whole plant. When I was appointed a deputy Vorstand member of Farben and Deputy Manager of the Ammoniakwerk Merseburg G.m.b.H., I was put in a coordinate position with Dr. Dehnelt in 1928. In 1934, when the Confidential Council was set up, I was put in charge of this Council, and after that, in addition to my technical functions, I dealt also with social-welfare questions in the plant,

Q. How many employees did the Leuna plant have?

A. Before the depression, about 1929, 23,000 people. Then, at the height of the depression, in 1931 and 1932, it fell to 8,000, and then, after 1932, it rose to nearly 30,000 in 1944.

Q. What was the reason for this increase to 30,000 men?

A. First of all, the expansion of the existing production capacity, then the establishment of new production, and then another reason was the lower output of the workers during the war.

Q. In addition your functions in Farben as Vorstand member, Main Plant Leader, Sparte Chief, Tea member, how could you handle the duties of Plant Leader of this giant plant?

A. That was possible only by very rigid organization. One must have an idea of the size of this plant. The production facilities of the plant were four kilometers long and one kilometer wide. To take care of the tasks of operating this big plant, the Small Plant Management, (Engere Werksleitung) had been set up, composed of myself, as head of the whole plant, Dr. Bueteffisch, who, like myself, was manager of the Ammoniakwerk Merseburg G.m.B.H. and also a coordinate with me and, as I have already stated took care of the oil questions and technical questions for me, and then this Small Plant Management included the Chief Engineer of Leuna, who was also Chief Engineer of the Sparte, that was Dr. Sauer, then the head of the Technical Department, Dr. Strombeck, and finally the Production Chief, who was first of all Dr. von Steaden and after his death

Dr. Ruestrow.

In addition to that, the plant was divided into six big departments. There was a department for testing practicability, a department for research, a personnel department with a sub-department for social-welfare questions, a commercial department, a legal department, and a medical department. The heads of all of these departments, with the exception of the chief physicians, were directors or Prokuristen.

Q. What were your duties in this organization?

A. One of my main duties in the administration and operation of the plant I considered the correct choice and training and control of the managing personnel. The selection and training of these leading men was no problem in Leuna. The Leuna plant differed from most plants in chemical industry. It was characterized by the close connection of its main products, the three syntheses: nitrogen, mineral oils and methanol or alcohols. This close technical connection required close collaboration between the individual departments and factories. Since each plant leader had to know what was going on elsewhere. This resulted in team-work for which Leuna was famous, which very soon picked out the capable and efficient people. We never had any difficulty in filling a responsible position with the right man. We were even able, in the building of new Farben plants and even plants outside of Farben, for example in the mineral oil field, to supply large numbers of managing personnel. Since I, myself, went through all these steps I was a laboratory chemist, an assistant in the plant, a Plant Leader, a department and production chief, before I took over the management of the whole plant. I was, therefore, able to form a good judgment for this selection.

Q. Now, after these men had been selected, how did you control things?

A. As long as Dr. Dehnelt was alive and I didn't have much to do with the administration, I inspected the plants almost every day together with the Small Plant Management and was in constant contact with all important parts of the plant and leading men. When my duties increased,

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I turned this function over to Dr. Buetefisch; when he too had many functions outside of Leuna, this duty was taken over by the production chief; but every day at eleven I received a report about this check on the factory. In addition to that, I was constantly having interviews with administrative department chiefs when important questions had to be discussed or decided.

That was especially true of the head of the Personnel Department and the plant Obmann and the Confidential Council for social questions.

Of course, only questions of policy could be settled in this way, because I had other work to do, too. The incoming and outgoing mail took up a great deal of my time, which, with the increasing degree of over-organization in state and industry, became enormous. Then there were many other duties within Farben and in industry which frequently necessitated my being absent from Leuna, so that I had to leave the settlement of questions affecting the plant to my deputies.

Every employee had the right to come to me with requests or complaints, and this happened very frequently.

Q We are here interested especially in the social questions, particularly as regards foreign workers. Please describe, first of all, the organization of the Leuna plant in this respect.

A I have already said that personnel questions - which included the foreign workers - were under a Personnel Department. This again had many subdivisions - two general departments for workers and office employees which hired, fired, and took care of the working conditions of the employees. Then there was a department which took care of the camp, that is, primarily for the foreign workers. Then there was one department for food and one department for general social welfare.

The German Labor Front also had great influence on the social-welfare problem, through the Confidential Council and the Plant Obmann. I was in constant contact with all these people and, of course, in important questions I had the final decision.

Q Now, what were the practice and policy in the treatment of foreign workers at Leuna?

A I saw my primary duty in taking care of the people entrusted to me (that included the foreign workers). According to the principles of strict justice and in the spirit of traditional and recognized social welfare policy of Farben. Of course, the last few years of

the war, because of the terrible air raids on the plant - probably the worst which any industrial plant ever had to endure and which did not spare the living quarters - created abnormal conditions, but the plant leader was not responsible for these.

Q But you did what you could to do away with these conditions?

A Yes. What was possible was done, but everyone knows how difficult it was at this time to get materials. The workers were not available, either, to rebuild quickly and therefore it happened that there was overcrowding and that the situation was more unpleasant than before, because before that we had tried to house the workers as well as possible.

Q Now, how did it come that foreigners were employed at Louna?

A War industry had its official government production orders, and to fill these production orders one needs a certain number of employees. Because of the large number of men who were drafted into the Wehrmacht and because of the increased production demands, there was a distinct scarcity of labor, even before the war. As I recall, at the beginning of the war Louna had a deficit of 1,000 men, which later during the war was at times as high as 2,000 men, in spite of the fact that we were constantly taking in foreign workers. The Labor Office could give us German workers only in very limited numbers and therefore demanded that we accept foreigners.

Q Now, I must ask you again about Louna, whether you were glad to have these foreigners and whether you accepted them without any further thought?

A Quite on the contrary. As long as possible, I opposed their employment and for good reason. Our production, as I said before, especially at Louna, was very sensitive. There was danger of explosion and fire. It required experienced and reliable personnel. It required

One could not assume these prerequisites in the case of the foreigners.

We were carrying out a constant struggle with the Regional Military Headquarters (Wehrkreiskommandos), trying to get our draft quota reduced. We did succeed in most cases in having it reduced by about 50 percent. In this way we kept our German workers, or at least as many of them as we could; in the longrun we simply could not manage, so that we were finally forced to accept an increasing number of foreigners, in order to fill our production orders.

Q Did Leuna participate in recruiting voluntary workers?

A Yes. The employees of Leuna who were recruiting workers did recruit some workers to a limited extent in Czechoslovakia in the beginning. This was on a completely voluntary basis and, of course, with the approval of the Labor Offices. Later, when the Reich Ministry of Labor and later the Plenipotentiary General for Labor Commitment took charge of labor questions abroad, the deputies of the G.B. Chem. had an advisory function with the Labor Commitment Offices, especially in the selection of suitable persons. Also, the G.B. Chem had to conclude contracts with firms.

All this was with the prior approval of the State Labor Offices. There was never any compulsion exerted. All these measures were taken in the interest of filling the production orders which came to the Leuna plant from the authorities. I must emphasize this again and again. There was never any irresponsible recruiting. Everything was done because of the necessity of filling the requirements of Leuna. Farben and its employees had nothing to do in establishing labor conscription regulations or any other similar compulsory regulations.

DR. HALLMUTH DIX: I shall later offer these regulations. I should merely like to remark by way of explanation that this is in a sense repetitious, but this cannot be avoided, because Mr. Schneider is under indictment here in his capacity as Main Plant Leader as well as plant leader, and because the Prosecution has dealt with these two

positions in different affidavits.

As I have shown with the aid of the law, the significance of the position of Main Plant Leader is really not so great as the name would imply; and it was the case when I was talking to Mr. Schneider that he often could not give details, because it was more of a coordinating position, which, under the law, did not have the significance of the plant leader. This examination again will show that as soon as we come to Leuna, Mr. Schneider can give definite information; while under the law the position of Main Plant Leader is not so important that he can comment in detail on the problems, which of course does not exclude the fact that there was a basic jurisdiction.

I now continue the examination.

BY DR. HELMUTH DIX:

Q I want to ask whether you can tell us anything more about the treatment of the foreign workers.

A Again I should like to have affidavits of my former associates and the witnesses speak on this question. I just want to remark in general that it was always my endeavor to treat the foreign workers in exactly the same way as their German comrades, that is, according to the principles of absolute humanity. If anyone asserts anything else, this is - not only for Leuna but also to my knowledge for all Farben plants - simply not true and is a gross distortion of the facts.

A large proportion of the foreign workers from the Western, Southern and Eastern countries came to us voluntarily. Part of them were conscripted; this conscription existed for German workers, too. All of these foreign workers were given the same generous and decent treatment as the Germans.

We were in a difficult position as far as the Eastern workers were concerned. We did not at all approve the official regulations

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which provided for discriminatory treatment, however, they were in a unique position which was not the position of normal employees. For example, payment was strongly reduced by the Ostabgabe (Eastern payment). Social benefits could not be paid. The food rations were different.

There were also special police measures. They had to wear the insignia "Ost" (East). In the beginning they lived in camps which were surrounded by barbed wire. Also in the beginning there were restrictions on their leaving the camp. We opposed these compulsory measures energetically, and in numerous negotiations with the Labor Commitment Offices we tried to improve the position of these eastern workers. I believe that the final improvement in their wages by reduction and final elimination of the amount deducted, the improvement in the food, the removal of the barbed wire, and the revocation of the prohibition against leaving the camp were in part all due to our arguments. On the job an eastern worker was never treated any difficulty than any other foreign or German worker.

DR. DIX: I have just heard that the word "Ostarbeiter-abgabe" has not been translated. As I may explain, that was a special tax at the source for the workers from Eastern Europe. The employer had to pay these workers the same wages as Germans and other foreigners, but the Reich, in the beginning at least, took most of these wages away by way of taxes, as I shall prove by presenting the laws. The situation was later improved, and finally this tax was entirely done away with. Now, Mr. Schneider, I should like to ask you whether you know of any mistreatment of workers at Leuna -- specifically foreign workers.

A At every time and everywhere there are offenses and excesses in plants, because everywhere and always there are sadists and excitable people. That was the case before we had any foreign workers. But I prohibited all beating in my plants, and I demanded decent and friendly treatment for employees. I know that that was the case in all Farben plants. Whenever I learned of violations of this rule I took strict

steps, as will be shown by various exhibits.

Q Then I have another question in this connection, with respect to Prosecution Exhibit 1334, Book 69. There Mr. Buetefisch states that the Leuna plant guards were armed at your suggestion. What do you have to say about that?

A That is a mistake of Mr. Buetefisch. I believe he will explain it later. By order of the police-the plant guards became auxiliary police. They were under the police for disciplinary purposes, and they were armed by order of the police, not by my orders.

Q Were the firearms ever used at Leuna?

A No, I know of not a single case.

Q I now come back to the prisoner-of-war question. You have already spoken about that as Main Plant Leader. Were prisoners of war employed at Leuna, and what do you have to say about their use?

A French prisoners of war were employed at Leuna. They were housed in a Stalag camp near Mersburg. They were employed under the control of the Stalag commandant and on his responsibility. Although Leuna had no production which was in direct connection with hostilities, all use of prisoners was checked by the Stalag officer. The production chief was responsible for their employment in the plant -- that is to say, the officer was responsible, but the production chief had to arrange it with the Stalag officer.

Q Were the products of hydrogenation - such as automobile gasoline, aviation gasoline, iso-octane -- not direct war products? In wartime?

A No. These products were sent to the WIFO storehouse or for civilian purpose to the storehouse of the marketing organization for gasoline. There the various components were

mixed, and the gasoline was then ready for use and was distributed from there. Moreover, the employment of prisoners of war in hydrogenation plants was provided for by government order.

Q Will you now please speak about the question of whether prisoners were employed in the case of iso-octane, or shall I ask the witnesses about that?

A As far as I know there were no prisoners of war employed on iso-octane.

Q How about industrial nitrogen, which might be used for explosives?

A This is only a preliminary product. The proportion delivered for explosives was made into explosives later. Explosives again are used only in part of war purposes.

Q Do you know whether the employment of prisoners of war at Leuna was checked by the International Red Cross?

A I believe so. I never heard of any complaints.

DR. DEK: I should like to give a brief explanation here. In the Flick case Mr. Kranzbuchler wrote to the International Red Cross and received some records showing no objections. I and some of my colleagues made the same attempt in this trial, but we received no answer. Mr. Vinassa, who is working on Mr. Haefliger's defense then contacted Geneva. He was told that the records had been given to the Prosecution. We contacted the Prosecution and were told that that was not true, they had received only a few records. I have no doubt that these records were not sent, because I believe that I know such offices well enough. I consider it impossible that the Swiss would really give their records to the agencies here. This is again a case when a foreign agency does nothing, largely because of the press reports, to help the defendants.

Continental offices, including German offices, mostly do not understand why the defense writes, because they are accustomed in such things to deal only with the Courts. I mention this only to show what difficulties are always arising from the circumstances.

MR. SPRECHER: It is the first time ---

THE PRESIDENT: Gentlemen, I think you can dispense with the whole subject. There is nothing before the Tribunal with regard to that matter. Now Mr. Sprecher, there is no reflection on you.

MR. SPRECHER: No, no, we weren't feeling injured in any way, Mr. President.

THE PRESIDENT: Have you a helpful suggestion?

MR. SPRECHER: Yes, that is what I was trying to make. We would be glad to join with Dr. Dix in attempting to get any reports which the Red Cross made on this matter. I don't know what he means when he says the Prosecution so far was contacted, because I have never been contacted in this connection, and Mr. van Street, who has been the main representative of the Prosecution, in this case concerning the matter, says he has never heard of it. But we will be glad to be helpful if we are asked.

DR. DIX: Thank you very much. I should like to remark that it was not I who talked to the Prosecution. It was an assistant of Dr. Seidl. I do not know to whom he talked. He merely told me, "We agreed on the difficulties."

MR. SPRECHER: I think that is a slightly different matter. We did get a report from the International Red Cross with respect to concentration camp inmates in Auschwitz, and I will be glad to give a copy of that to Dr. Seidl. I only saw it in the last several days. I don't think it will be

helpful to anybody. They merely say that they had no jurisdiction to investigate concentration camps and that they never did investigate Auschwitz.

THE PRESIDENT: May I say, gentlemen, that we give you fifteen minutes every morning and afternoon and about an hour and a half at noon to discuss such matters as this. Let's go along.

DR. DIX: Is it really only three minutes before 4:30?

THE PRESIDENT: No, no. We go by the clock in front of us here.

DR. DIX: I beg your pardon. Then we shall continue.

Q I come to the question of prisoners. Were prisoners employed at Leuna?

A Yes. These were convicts from the prison at Halle, and so-called "E" prisoners.

Q What does that mean -- "E" prisoners? And why was it necessary for them to work at Leuna?

A "E" prisoners were inmates of a correction or training camp of the SS. As far as their employment at Leuna goes, that came about as follows: I believe it was in 1942. I cannot remember the exact time. A high Gestapo official came to me and told me that the Gestapo intended to set up a correction camp at Leuna for central Germany. The Gestapo official said that this camp had to be attached to the Leuna plant. When I inquired, he explained that this was a penal camp where people who were convicted by the authority of the SS, for example for slackness at their work, or escaping, or political offenses were to be sent for a few weeks.

At first I opposed this request, since I did not want to have any such Gestapo institution near my plant. I suggested that the camp be put somewhere else.

The Gestapo official, however, insisted stubbornly, saying first of all that he had no other suitable place; second in view of the need for workers at the big Leuna plant the prisoners could all work there.

In view of the tense relationship that I have already mentioned between the plant management and the Gestapo, I finally had no other choice. We gave the Gestapo a few barracks outside of the plant. Otherwise, we had nothing to do with conditions in this camp.

I did not hear that these prisoners were mistreated in any way at work in our plant. They were guarded by an SS-man who took them for the camp to work and back. The work itself was supervised by members of the plant.

Later on there were women there too. These women were used in general for lighter work. The men were used for transport building work, and clearing-up work.

Q The Prosecution makes the charge that you turned over foreign workers to the Gestapo for punishment. What do you have to say about that?

A The plant leaders had repeatedly been informed by Government regulations that it was their duty to make such reports. I refer to the decree of the Reichsfuehrer-SS of 20 February, 1942, Prosecution Exhibit 1300, Book 67, German page 75.

Then in Order No. 13 by Sauckel, To Keep Order in Plants, dated 1 November, 1943, the duties of the plant leader in maintaining order and discipline in the plant are set down, and the plant leader is threatened with serious penalties if he does not conform to this order.

and the directives of the Secret State Police (Gestapo) for the work of the (Abwehrbeauftragte) also contain, in the interest of the Security Police such obligations of the Abwehrbeauftragte to the Gestapo. That is to be found in Prosecution Exhibit 163, in Book 6.

Such reports took place only in rare cases in Leuna, when the offenses was so obvious that a report was essential, for instance in cases of escape or if a member of the SD or some other party office knew about the incident. It was not only the plant leader but also the SD agents, the camp heads, the plant Urmann, and the Abwehrbeauftragte, who had the duty of making reports.

Nevertheless, I tried again and again not to do for so. For instance, during the air-raids on the plant, two Russians were plundering, but I did not report them, I knew that they would certainly have been condemned to death if I did.

Q You have mentioned several times that you had tense relations with the Gestapo. Can you tell us anything concrete about that?

A In addition to what I have just described, I shall mention the following occurrences: In 1942, or 1943, a commissar of the Gestapo at Halle came to see me and told me that the Gestapo intended to set

up a system of confidential agents in the Leuna plant to prevent espionage and sabotage. The head of the office of the Legal Department a man named Pokladek, was to be placed in charge of it. I realized that this meant a general supervision of the employees; therefore, I delayed the matter at first. We had long suspected that this man Pokladek was an SD spy, and I believe him responsible for the arrest of Dr. Schaumburg, the Abwehrbeauftragte and the head of the Legal Department. I delayed the matter by giving Pokladek a bad reference.

I immediately contacted the Abwehrbeauftragte, Dr. Schaumburg, and it was decided, in order to anticipate this plan of the Gestapo to use our foremen to prevent espionage and sabotage. The Gestapo approved, but since we had to expect that Pokladek would continue his spying in secret we agreed that Pokladek's telephone and his steps outside the plant should be put under surveillance.

Our suspicions were confirmed regarding Pokladek's connections with the SD. We also found out another spy named Eckart, whom we were later able to fire for other reasons.

We also learned that the Gestapo was persecuting several of our employees, and in several cases we succeeded in warning them. Our tense relations with the Gestapo were also shown by the fact that a complaint was made to the special deputy of the Fuehrer, General Unruh.

It was said by the Gestapo that we had not proceeded correctly in the drafting of men for the Wehrmacht. In many cases we kept young men back and let the SS-men go. This led to a very serious investigation by General Unruh in the presence of Gauleiters and Higher SS officers. On this occasion one of the SS officers remarked "Somebody, should be shot there."

Then toward the end of the war, at the suggestion of Goellenberg's office, another special deputy of the Fuehrer's an SS detail was sent to the plant to supervise it.

Finally, the Schaumburg case: The head of the Legal Department and Abwehrbeauftragte of the Leuna Works, whom I just mentioned; Dr. Schaumburg, was subjected to constant distrust and persecution by the Gestapo, and it is very likely, as I mentioned before, that this was because he was slandered by his office manager. He was finally arrested. I took his part and had serious arguments with the Gestapo. This is shown by the Schaumburg affidavit, which has already been introduced.

Q It has been mentioned that you helped political persecutees. Have you had anything to add to that?

A Yes, in a number of cases in addition to the one which I just mentioned. I refer to the case of a Jewish chemist, Dr. Baumann, as well as a number of people employed by the plant who were persecuted by the Party because of an anti-Fascist attitude. These cases are described in several affidavits, and I need not go into them here. You put them in evidence this morning. There will be witnesses to speak about these matters too. Perhaps, however, I may mention at this point that most of my department chiefs were not Party members, and some of them were known to be opponents of the movement. For example the heads of the Organic Department the Low-Pressure Department, the Scientific Department, and the Legal Department, as well as the chief physician were not members of the Party. I left these men in their jobs and in part even promoted them by making them directors, which made great difficulty for me with the Party. This again will be confirmed by affidavits and the witnesses.

THE PRESIDENT: Dr. Dix, it really is four-thirty now. Before we recess, I think I ought to say to you, Dr. Dix, on behalf of the Tribunal, that in addition to having the cooperation of the Prosecution that was promised you a little while ago with respect to obtaining the Red Cross documents, that if you will see me in chambers I can assure you also that the Tribunal will make available to you its own facilities through the Marshal, the Secretary General,

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or the Tribunal itself, in trying to obtain documentary material be
available for use on behalf of your client or any of the other
defendants on trial.

The Tribunal is about to recess. Let me remind you that
tomorrow morning we shall be back in our court. We will adjourn
now until nine-thirty tomorrow morning.

(A recess was taken until 0930 hours, 20 February, 1948.)

Official Transcript of Military Tribunal VI,
Case VI, in the matter of the United States
of America against Karl Krauch et al, defendants,
sitting at Nurnberg, Germany, on 20 February
1948, 0930, Justice Shake, Presiding.

THE MARSHAL: Persons in the Courtroom will please find their seats.
The Honorable, the Judges of Military Tribunal VI. Military Tribunal
VI is now in session. God save the United States of America and this
Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, you may report with respect to the atten-
dance of the defendants.

THE MARSHAL: May it please your Honors, the defendants Wurster, Krauch,
and Haefliger are absent due to illness. All other defendants are present
in the Courtroom.

THE PRESIDENT: The absent defendants have been excused for today.
Are there any preliminary announcements from the defendants?

DR. ROSENBERG: No, your Honor.

THE PRESIDENT: Has the prosecution anything to say at this time?

MR. SPEICHER: No, Mr. President.

THE PRESIDENT: Dr. Dix, you may proceed.

CHRISTIAN SCHNEIDER (Continued)

DIRECT EXAMINATION (Continued)

BY DR. HELLMUTH DIX:

Q. Initially I should like to thank the Tribunal for their information
in regard to the International Red Cross, but I first have to get in touch
with my colleagues to find out if any one of them has a particular wish so
that I can completely report to you what I desire.

I would now like to continue with my examination. Mr. Schneider, I now
turn to your exhibit in Book 69 of the prosecution. This is Exhibit 1333,
on page 4 of the German. Paragraph 1 reads, just as the same paragraph in
1328 that has already been discussed. Paragraph 2 also coincides with
Paragraph 2 of Exhibit 1328, but this treats your position as plant loader

in Louna, and therefore I refer to its contents only now. What do you have to say on that?

A. The responsibility for prisoners of war and concentration camp inmates only covered the place of work itself, but the plant in the camp was under the jurisdiction of the OKW, the Prisoner of War Camp, the Stalag, or the SS. In Louna, also we had no concentration camp inmates working. We had E Prisoners, (corrective prisoners, and punitive prisoners. The prosecution called these E prisoners as concentration camp inmates. But I contradict that because the correction camp is a punitive camp that is limited as far as time is concerned. The difference was generally known. I also have to state for clarification purposes that as a plant leader I had no disciplinary jurisdiction on the place of work for prisoners of war and concentration camp inmates, and they were only with the authority in question.

Q. You have no further remarks on that?

A. No.

Q. Then in regard to paragraph 3 these are the persons in Louna concerned with social welfare. What do you have to say to that?

A. There is a mistake in this paragraph because the leader of these security detachments was not under the employees or staff but was directly responsible to me. Besides that, the police had a right of issuing instructions to the security detachment as I have already mentioned.

Q. Factory guard. Paragraph 4 also treats generally the foreign workers. What do you have to say to that?

A. The figure mentioned under paragraph 4 refers to the time at the end of the war, and this figure also includes the foreign firms that were working at the plant. Besides that, it must be corrected that Poles did not work in Louna.

Q. Then paragraph 5.

A. I don't know what exhibit number Dr. Polster's affidavit is, but as it was stated there, I refused, in the interests of the foreign workers,

to turn these camps over to the German Labor Front.

Q. That is Exhibit 41 in Book 9. What do you have to say to number 6?

A. These are the reports to the Gestapo. I have already explained that yesterday in detail so that I do not have any further comment on that now.

That figure given here, approximately twenty to thirty people a month, is a little too high, I think.

Q. Then you have to clarify the time in this particular point: For what period of time these reports were made.

A. Certainly only during the latter war years because these are cases concerned with escapes that took place frequently during the last war years. Some could not sometimes be avoided.

Q. Seven has already been taken care of. You have already stated your opinion about that under Paragraph 13 of Exhibit 1328. What do you have to say to Number 8?

A. Eight treats the SS indoctrination camp and I have already stated my opinion about that. I should correct in this connection that this affidavit must be rectified because I do not know whether these things were discussed in the TEA or with Mr. Schmitz.

Q. Do you have anything to add to paragraph 9? This also deals with the corrective prisoners.

A. After I intervened in the death cases that had occurred, I merely have to say that these death cases no longer happened.

Q. Number 10. That is in regard to the transport.

A. That transportation affair has been treated in an affidavit of Dr. Landsmann discussed yesterday. I don't know the number. Perhaps you can give it Dr. Dix.

Q. This is Exhibit 42 in Book 9.

A. At any rate it was better for us to call for these Eastern workers and to house them temporarily rather than let them stay at the railroad station without any housing.

Q. I merely want to point out that this is one of the typical cases in which these affidavits were taken. Only the incriminating material has been incorporated, but any comment has been left out. Now, we turn to paragraph 11.

MR. SPEECHER: Mr. President --

THE PRESIDENT: There is nothing before the Tribunal. We have said, gentlemen, that we do not regard the explanatory statements of counsel as evidence in this case and now it would consume more time if we had a colloquy over it. We understand what is evidence and what is a voluntary statement.

BY DR. HELLMUTH DIX:

Q Paragraph 11 discusses the camp question.

A I have remembered in the meantime, besides the camps mentioned in this paragraph, I have visited others as well. For instance, the camps West, Sued, and the Lager Urhaus in Bad Dyherrnberg. It is true that I did not visit the foreign workers camp constantly of which we had fifty in Leuna, but that was not possible to me because of my great burden of work. But I was able to rely on my delegates and agents who reported to me regularly on this question.

Q One of these agents was Dr. Landmann, is that right?

A Yes.

Q He was the person who received all these letters that I received yesterday. Besides that, the camp visits of Dr. Schneider are treated in various affidavit. Then I believe there is a typing error in our German edition.

A Yes. In the seventh line in the German edition it says, "Geruechte," rumors, which should be replaced by the word "Berichte," reports, in German.

Q Then comment on paragraph 12.

A I have nothing to say about that paragraph.

Q Thirteen treats the transports of foreign workers.

A From the formulation of the last part of this paragraph one might conclude that Eastern workers, Yugoslavs, Serbs, Croations, came to Germany only forcibly. But that is not true at all. Furthermore it is not correct, as I have been able to find out in the meantime, that the factory guards escorted transports of foreign workers.

Q Fourteen and fifteen treat similar questions. I believe you have some comment on that too?

A I dealt with these questions when I was interrogated about the position of main plant leader in Leuna. The employees working in the recruitment of workers in Leuna were representatives of the agents of the Plenipotentiary General for Chemical Production, and they took

care of these things in their function as representatives of that agent.

Q I shall present documents to prove clearly that the authorities considered it extremely important not to have the plants recruit these workers on their own but to have this recruitment done by the State authorities and that the others should only function as advisors or auxiliary personnel. This will conclude the questions about Leuna, and we can now turn to Auschwitz. What was your relation to the Auschwitz plant, Mr. Schneider.

A In my capacity as head of Sparte I, since this plant had some production branches of Sparte I incorporated in it, and furthermore as main plant leader of Farben, in regard to the intra-plant matters about social welfare.

Q Why did Sparte I participate in the plant Auschwitz?

A From documents and many conversations that I had in the meantime with my colleagues, I should like to go into a little more detail in order to inform the Tribunal. At the end of 1940 or at the beginning of 1941 the Leuna Plant had received the order that its Merzcl process, a process for obtaining synthetic soaps from mineral oils, should be technically further developed. The raw material for this process was a certain intermediate oil which was used in the Fischer synthesis. That is one of the gasoline syntheses and that was gained in that process. The Minister of Economics had decided to make this intermediate oil available which could not be yielded from the mineral oil sector that Leuna should produce this oil itself. This was done by way of the synol process which is also a process which produces carbonic oxides from carbon monoxide and hydrogen, and which is a modulation of my own process that I discovered in 1913. It had been planned that in Leuna itself or in the vicinity of Leuna, in Kriegsdorf, in a plant that was to be built newly, a production plant should be constructed. The mineral oil departments of the Reich Ministry of Economics had been instructed to make the quota of iron that was

necessary for this construction available, since the affiliation of these projects that needed coal and water made great difficulties because of the high production capacity in Leuna, the appearance of the buna project in Auschwitz was a welcome because that Sparte I should interest itself for this construction site. It seemed technically and economically reasonable to unify this plant with the project of Sparte II. During February 1941 there were discussions between the experts of the two Sparte and the authorities. As a result Leuna received from the Reich Ministry of Economics, by way of the Plenipotentiary General for Chemical Production, the order to transfer the production of synol that had been planned in Leuna to Auschwitz. Dr. Buete-fisch was commissioned with carrying out the project, -- with planning the project -- who then in turn turned this mission over to Dr. Staden, the technical expert of Leuna. From the first construction conference on 24 March 1941, - and this can be seen from the Prosecution Exhibit Number 1426, Book 7a, German page 162 to 166, - Dr. von Staden developed the program that was designated, at the time, the fuel plant of Sparte I. The basis was to be offered by the carbonic oxide hydrogen synthesis, which is the synol process, which led to carbon oxide with all its variations on the one hand and on the other hand it led to alcohol and olefins. Furthermore, it was thought of developing later on methanol, ethanol and propanol and alphin. The production of the gases should be done by way of coke first of all. For the future, the gasification of hard coal which gave the carbide product and also hydrogen for the buna process were to be produced from this process. The tar that was gained in this process was intended for naval fuel, heating fuel. From this planning it can be seen what significant technical advantage this unified economy offered, which was of importance for the planning of both Sparte, since through this practice material and labor could be economized. After the war started with Russia in May 1941 a change occurred in this program. The prospect to gain Russian oil caused the Reich authority not to consider the

carcity of diesel oil any more as threatening. The Herzol plant in Leuna could now be furnished with the intermediate oil of the Fischer synthesis in Schwarzheide. But an urgent need of methanol and iso-octane became evident. This caused the synol order to be deleted, and an order for methanol was given. It didn't offer any difficulty to reconvert the projected synol plant to methanol or isobuthyl alcohol which was necessary for iso-octane.

Besides that, the Luftwaffe had given us an order for 10,000 tons annually of synthetic lubricating oil. In the Fifth Construction Conference of 5 August, 1941--and this can be seen from Prosecution Exhibit 1444, in Book 74, page 102 of the German--Dr. von Staden discussed this project. At the end of 1941 we had further orders for the increased production of nitrogen. From the entire demand of 500,000 annual tons--

THE PRESIDENT: Defendant and counsel, this is probably competent evidence but the Tribunal feels that perhaps the defendant is going into more detail in the presentation of the subject than is warranted in view of the time that it consumes. If you can abbreviate that somewhat or generalize it, condense it, I think it will be just as helpful to the Tribunal.

MR. DIX: I believe we have finished very quickly, and I had the same misgivings as your Honors did, but it was the opinion of Mr. Schneider that it would be good if he could give the change of the scene in Auschwitz. We are near the end.

THE PRESIDENT: Very well.

WITNESS: From the entire demand of 500,000 annual tons of nitrogen, Farben had been given an order for 280,000 annual tons. The waste gasses of the gassification plants and the methanol plants in Auschwitz offered an opportunity to obtain cheap raw material for the production of 80 to 100,000 annual tons of nitrogen. The distribution of this order for the Farben plants was an internal affair of Sparte One. The cheap source of raw material decided us on our choice of Auschwitz. The remainder of this nitrogen order was to be transferred to Heydebreck. The prospective products of Sparte One only methanol was operated.

In May of 1943 the methanol distillation with crude methanol that was shipped in from Leuna, and in October or November, '43, we had the synthesis.

Q This brings us to the end, and we now turn to the question

of the employment of concentration camp inmates at Auschwitz. When did you learn this for the first time, Mr. Schneider?

A I believe that was during the TEA meeting of the 19th of March, 1941.

Q The result of this information I have treated earlier. Did the employment of concentration camp inmates have anything to do with making you take that resolution of the first of February to transfer production to Auschwitz?

A By no means. At that time I didn't know anything about the presence of concentration camp inmates in Auschwitz. It was only reasons of industrial operational enterprise that motivated us to take this step.

Q Dr. Duerrfeld came from Leuna, isn't that right?

A Yes.

Q What reasons moved you, Dr. Schneider, to transfer Duerrfeld to Auschwitz?

A When a new plant is founded one of the most important tasks is always the choice of efficient, leading personnel. When it was decided that Sparte One was to participate also in Auschwitz, besides the Puna for which the construction site had originally been suggested, the chief engineer of Leuna, Dr. Sauer, suggested Dr. Duerrfeld to be the chief of construction and installation.

Q In your opinion, did Dr. Duerrfeld have the necessary qualifications for this position?

A Certainly; absolutely. Duerrfeld was one of our best engineers we had in Leuna. He was the man of the future in the engineering field, and he was the prospective successor of the chief engineer. I parted with him with only the greatest regrets. I have known Dr. Duerrfeld from 1927 on. He installed various high-pressure and machine plants in Leuna as an assistant, and enterprise - and plant manager, and he had experience in these plants. We at an early time already noticed him, since he had clear vision, good ideas, talent for

organization and pedagogical facility. Besides his technical tasks, he was also given tasks of training the apprentices and retaining personnel, and in this field we owed him many valuable suggestions. When the hydrogenation plants of the Brabag were built he was one of the first made available for auxiliary work in the installation of equipment.

After he had taken care of this task, he was appointed by the Gebechem to be the Gebechem Kommissar for the hydrogenation plant at Poelitz. I also want to emphasize his personal good and human character.

Then you can see that Auschwitz could have no better person than Duerrfeld as its chief. It is my conviction that one could very calmly give him any leading position.

Q Dr. Duerrfeld did not only remain chief of installation of equipment?

A No, by reason of the qualifications that I have mentioned before, he took a hand everywhere. We soon found out that he excelled over all his other colleagues in Auschwitz, and so it came about that in October of 1942, when he moved from Launa to Auschwitz, he took over automatically the direction of the construction work at the site.

Q How often were you at the site of Auschwitz?

A Twice, as far as I remember; once in the autumn of 1941, and the second time in January of 1943.

Q What impression did the condition of the construction site make on you?

A During the first visit the construction site was still in its initial stages and it made the impression like any other improvement in the terrain of any large plant when large amounts of earth are moved. Much material is strewn about and a large number of people are engaged in work as far as the eye can see. I saw prisoners working too who were still supervised and guarded by the SS at the time. I did not notice anything remarkable there. The physical condition, as far as I remember, varied, but that was true also in the case of the German

workers in those times. During the second visit, the picture had changed because of progress in construction. The construction site made a clean impression. A large number of buildings were already up, separated by wide roads. I was in the plant only on one morning. First we had a construction conference. That was the only one that I attended in which a survey about Auschwitz was given.

After this conference in the morning we made a short inspection trip of the plant through the construction site, when I inspected also various social welfare institutions, apprentice workshops among them, where I saw that the inmates too were trained there.

It made a very proper appearance. Then the training rooms: a roomy hall with good facilities for sitting down, where Germans and foreigners took their noonday meal. It was just the time for lunch. I tasted the food; it was good and it was adequate.

I also visited the barracks camp and the dispensary. It had the best impression everywhere. In the afternoon I did not participate in the continuation of the construction conference but made an inspection of the coal field, and visited the estate of Dvory which interested me because of its farming installations. This had been newly installed and was worked on a modern basis.

Altogether I took personally the impression from there that the construction site in Auschwitz was one of the best directed construction plants I ever saw.

Q. Did you visit the concentration camp Auschwitz or the work camp Monowitz during your visit?

A. No.

Q. Did you see Monowitz from the outside?

A. Yes.

Q. Did you have any particular impression?

A. No.

Q. Did you see any inhumane treatment or hear anything about inhuman treatment of inmates during your visits?

A. No.

Q. Before your second visit, did you know about the construction of the work camp Monowitz?

A. Yes, on the one hand through the program that had to go to me, just as did all other social welfare programs had to come to me, and then Duerrfeld in Leuna reported to me, and he reported to me the reasons why he constructed it.

Q. What were these reasons?

A. Before that time the concentration camp inmates had a long march

from Auschwitz concentration camp to the construction site. They had to get up early in the morning and they arrived in a tired condition at their working place. Then Duerrfeld thought that if he could take an influence on their food, if he could furnish them with food, he could improve the physical condition of the inmates considerably.

Q. After your last visit and from that time on until the end of the war, did you hear anything negative about the work camp Monowitz or the Auschwitz concentration camp?

A. No, to the contrary, through the reports of Dr. von Staden and the other gentlemen who worked in Auschwitz, and also through veracious visits of Dr. Duerrfeld in Leuna, when he reported to me of course quite generally, I always had the impression that Duerrfeld did everything to help the employees and the inmates. He reported to me, for instance, that he had succeeded in stopping or restricting mistreatments by SS people and by the Capos.

Q. I now turn to Exhibit 1418, Prosecution Document Book 72. That is your affidavit about Auschwitz. It is page 68 of the German.

Do you have anything to say in that connection?

A. Nothing from 1 through 3. With regard to 4 I only want to say that Dvory was incorporated into the Upper Silesian Gau because before 1918 it had belonged to Austria. The terrain was administered by a trustee of the Ostland G.m.b.H., and because of the decision of the Government we had to consider that as part of domestic Germany.

About the resettlement projects of the Poles and Jews I had personally heard. I cannot remember definitely that this was discussed in the TEA or in the Vorstand meeting. That was a measure of the Government alone. From the records it can also be seen that the evacuation of the Poles could be prevented in part by Farben. That can be seen from the records of the construction conference.

Q. Then paragraph 5. These are the construction conferences. What do you have to say there?

A. I believe I was wrong in the assumption that Mr. Schmitz also received the minutes of the construction conferences. As far as I am concerned, these records were sent to the Directorate of Leuna. I do not remember that I read them regularly. For the most part they were sent to those gentlemen who worked with these affairs technically.

Q. You have no comment on 6?

A. No.

Q. And on 7?

A. In regard to 7 and 8 I must say that I cannot remember that the employment of concentration camp inmates was at all discussed in the Vorstand. The order for Buefisch's negotiations with the SS was not given by Farben, as I heard but by the Krauch Office. Buefisch, after he visited Wolff, reported to me in Leuna personally. I was in error about the reference to TEA and the Vorstand.

Q. Have you any remarks in regard to paragraph 9?

A. Yes; Auschwitz had been a construction site for a long time. As I have already mentioned, the production started only at the end of 1943 to a limited extent. Ambros and Buefisch had to plan the projects in a superior position.

The first construction chief was Murr, and from 1941 on it was Faust. The chief of installation was Duerrfeld, as I have already mentioned, who was the construction installation chief from October 1942 on. When it was demanded that a plant regulation be drafted for Farben, and that a confidential council should be appointed, Duerrfeld was ordered to take charge of this confidential council, and this meant that he also took over the social welfare of the staff of employees and workers.

The appointment of a final plant leader and enterprise manager remained open until the end because the final choice had not yet been made. Before 1942 only few laborers were available who belonged to the direct staff of Farben.

Q. Have you any supplements to make in regard to paragraph 10, your position as Main Plant Leader?

A. I must restrict that by saying that as Main Plant Leader I was responsible only for the intra-plant affairs for Auschwitz and could issue directives only to the extent that I had reserved the right to do that. If I had heard anything unfavorable I would have had to take steps, of course.

Q. With regard to paragraph 11--that is the type of concentration camp inmates?

A. During the presentation of evidence it was already stated that not only political and racial inmates, persecutees, were in the concentration camp but also criminal and social types of prisoners were there. To explain my last sentence, which is obscure, I should like to say that he died a natural death.

Q. Paragraph 12, Bertram's Office?

A. These are the statistics and the chart. These statistics and charts were only presented in the TEA, and not in the Vorstand meetings.

Q. Then, paragraph 13. This is also dealing with Monowitz.

A. I already stated what I had to say about the construction of the Monowitz camp. I should merely like to correct here that Farben left the barracks to the SS only that were originally intended for Germans, and that they took over furnishing food for the SS kitchen. As the former prisoners who were witnesses here have stated, everything in the Monowitz camp was the affair of the SS, and also it is not sure whether Struss mentioned the Monowitz amount when he applied for credit in the TEA in particular, or whether this was included in the over-all credit of the barracks for all types of camps.

Q. We now turn to paragraph 14. You have already treated that in part.

A. I state once more that Duerrfeld successfully intervened to restrict the mistreatment of inmates by SS and Capos. I personally have never heard anything about mistreatment on the part of Farben personnel.

Q. That is correctly stated in the affidavit. Now we turn to paragraph 15, the output of the workers is compared there.

A. These statements are not from my own knowledge, but these are made as the result of material that was furnished to me by the interrogators; therefore I did not know that the output in Auschwitz was compared, but that is possible. The passage involves Farben reports to the SS in regard to a low output of the inmates is hardly well formulated in this form. I assume that an exchange of experience, of course, between the plant management and the SS took place.

Besides that, the reports that were prescribed probably could not be avoided in Auschwitz either, in the case of serious infractions of discipline. In regard to the premiums, I have to say, the bonuses themselves were remuneration that was paid to other workers in a similar plant. At the end of this paragraph the affidavit deals somewhat unclearly with the general conditions in Farben. I must state in that connection that the premium or bonus system in Auschwitz had not been discussed in particular in Tee or in the Vorstand.

Q. We now turn to paragraph 16. These are the groups of foreign workers individually listed.

A. I must say that the Russians did not get their leave that was originally provided for them by order of the German authorities. The other affairs in this paragraph have already been illustrated by me and already corrected, as far as was necessary.

I should like to mention that there was not a particular Jewish camp in Auschwitz.

Q. We now have paragraph 17. These are statements about families in Russia and Poland.

A. I have no particular information about the employment of children in Auschwitz, whether Mr. Bertrams sent a circular about children to the plant I do not know. If so, it only contained the regulations of the authorities. I am not informed about the school question in Auschwitz either. I did not know conditions in Auschwitz from my own experience sufficiently in order to be able to judge whether and for what reasons schools were erected. If the children in question were present a sufficiently long time.

In other parts of Farben there were schools. Furthermore, during the air raids schools were frequently interrupted for German children as well.

Q. You are now finished with paragraph 17. Would you now deal with paragraph 18, treating prisoners of war?

A. As far as I know Russian prisoners of war were not employed in Auschwitz. Furthermore, as I have already stated yesterday, there was a regulation of the authorities that in hydrogenation in Buna plants, prisoners of war could be employed without violating the Hague Convention.

Q. Now, paragraph 19. This deals with the punishments.

A. I have already emphasized sufficiently that in Farben, reports were made to the Gestapo only when they could find no means to avoid the circumstances and existing regulations. From my experiences in Leuna, and from reports from other plants, the arrest-cells, - whose construction by the way had been ordered, - were used only very rarely. Furthermore, we are not yet concerned with arrest huts but only a few cells, - individual cells.

Q. Paragraph 20 deals with the competitive E camp in Auschwitz.

A. I have to say here that in the National Socialist State during the war there was hardly any stronger compulsion than a demand of the SS. It is not correct that no force was exerted on Farben. Furthermore, I do not know any more details about the events of the E camp in Auschwitz.

Q. I now turn to paragraph 21, and I should like to ask you in more

detail about this paragraph. When did you learn that the chimneys in the Auschwitz concentration camp were part of the crematory?

A. That happened, as far as I remember, in 1943.

Q. When did you hear for the first time, or at all, - when did you hear about the stench of the cremation that took place in Auschwitz?

A. I do not know at all whether I heard anything about this before the trial here. If so, it was probably also in 1943 or '44.

Q. If so, can you remember if at that time you were given any explanation about that, and if you heard of it?

A. I believe that I remember that it was told at the time that large epidemics had broken out in the concentration camp Auschwitz as the result of such a large number of people having died in the camp, and these people allegedly were cremated.

Q. But you do not know for certain whether that was told you in connection with the cremation smell at the time?

A. No, I do not know that.

Q. When did you hear about the gassings carried on in the concentration camp Auschwitz for the first time?

A. That was much later. I believe in 1944. I believe that I can remember that it was during the time of air raids at Leuna.

Q. Who told you about it?

A. As far as I remember, I heard that in Leuna, but I may try as hard as I will, I cannot remember who told me about it.

Q. How did you evaluate that report Mr. Schneider?

A. I consider it as an uncontrollable rumor, just as there were many other rumors about, and despite everything, I still doubted the correctness of this rumor.

Q. Did you bring this rumor in, in connection with the Monowitz Camp of Farben?

A. No. I had no indications to do so. The workers in Monowitz who had been taken out of the concentration camp, could not have anything to do with these things.

Q. Wasn't there a special reason why you could very well assume that the staff of Monowitz Camp, and the employees in the Monowitz Camp, had not much to do any more with the Auschwitz camp?

A. The prisoners who were housed in Monowitz were pulled out of the Auschwitz camp and there was no reason for me to assume that they had any further connection with the Auschwitz camp.

Q. Did you ever hear anything about the "selections?"

A. No, I know merely that those people who were in Auschwitz during the first years complained about the constant change in inmates, and that that was one of the reasons why Monowitz Camp was constructed in order to procure for the plant a constant staff of inmates.

Q. Did you consider it more proper to inform yourself more in detail about those rumors you heard about Auschwitz? I do not mean Monowitz, I mean Auschwitz.

A. I didn't see how I could do this, and I knew the Gestapo sufficiently well to know that they would flatly deny any abuses. I could not commission anyone in Auschwitz to find this out for me, since the events in the Auschwitz concentration camp were kept secret and any communications with the concentration camp inmates was forbidden. Besides that, I had hardly any further connections with Auschwitz at the time because through the heavy air raids at Leuna we were so burdened with cares and work that we had no time nor any opportunity to get in touch with another place about such a ticklish question. Such steps could only have been taken in a confidential way through personal agents.

Q. Do you believe if you really should have heard anything probably unfavorable, that such steps would have had any result or success?

A. No, I believe that that would not have had success. Anyone who knows conditions in the National Socialist State is quite clear on that point. During eventual negotiations with the SS I could not even have given the name of the person who was my informant, because he would have immediately been arrested. I do not even want to talk about the danger to my own person. I could not base myself on rumors. They would have been termed lies and enemy propaganda.

Q. This completes Mr. Schneider's interrogation about Auschwitz. I have only one more question to put on Count III. Please make a short statement about those charges which the trial brief quite generally raises against the Vorstand about the supply of medical equipment and sers for medical experiments.

A. I personally had no knowledge of these things. They were not discussed in the TEA and in the Vorstand.

Q. I now turn to Count IV of the Indictment. Did von der Heyde's membership in the SS play any part in your resolution to make him the expert of the Counter-Intelligence in your Department "A"?

A. No, that played no part at all, for as I have already stated yesterday, I did not know at the time that von der Heyde was in the SS.

Q. In your capacity as main Counter-Intelligence agent were you under the jurisdiction in any way to the Reichssicherheitshauptamt. (Reich Security Office.)?

A. Yes, to a certain extent, just as all other Counter-Intelligence agents of Economy, but I did not notice anything about this situation. I only cooperated with the Army.

Q. In your capacity as Counter-Intelligence Agency, as the Trial Brief charges, did you learn any secrets of the SD?

A. No, for the reasons given, and because I had no relations with the SS.

Q. Was there any connection between your appointment to become the Main Counter-Intelligence Agency and to become the Main Plant Leader?

A. Yes, but only as far as the organization of Farben was concerned.

Q. What do you know about the activities of Gestapo and the foreign workers program of the SS in the occupied territories.

A. I knew only what I could learn from the official decrees, Reichsfuehrer-SS, just as any other plant leader in Germany could learn. It is correct that the plant leader and the Counter-Intelligence Agent, was informed through the regulations of the authorities that he had to

report for workers under certain circumstances.

Q. What did you know otherwise about the activity of the SS?

A. I did not know any more than a large number of Germans learned by way of rumors and unreliably; that is quite a matter of course since my exhibit and the documents offered here prove sufficiently that I had no close connections with the SS, but rather tense relations, and for the very reason that I rejected their endeavors concerning employees that were under my care.

DR. DIX: This concludes my examination of Mr. Schneider.

THE PRESIDENT: Do the other Defense counsel desire to examine Dr. Schneider?

DIRECT EXAMINATION

DR. CHRISTIAN SCHNEIDER

BY DR. ASCHENAUER, counsel for GATTINEAU:

Q. Dr. Schneider, do you know that during 1932, a serious discussion in the newspapers arose about the German gasoline production, and about the subject of a so-called unified petrol?

A. Yes.

Q. What was done against it?

A. An effort was made to print a release in the press to enlighten the German public about the synthetic production of gasoline.

Q. Was the press department used in this connection?

A. Yes.

Q. Who was in charge of the Press Department?

A. That was Dr. Gattineau.

Q. What did this agency do?

A. The Press Department in the summer of 1932, arranged for a large inspection of the Leuna Plant, attended by journalists, and men in political life as a whole body. In this way, newspaper men of the Vorderts, otherwise the Voelkischer Beobachter, the political persons from National Socialism all the way through Communists, were all invited.

Inspections of the Plant at Leuna were carried on, and lectures were given about synthetic gasoline.

Q. Did the press attacks then stop as a result of this?

A. No, that was not so.

Q. Was Bosch vexed about the continuation of the press attacks?

A. Yes.

Q. Did you know about Dr. Buetefisch and Dr. Gattineau's visit of Hitler in the autumn of '32?

A. Yes, I did.

Q. Did you know who arranged for this visit?

A. As far as I remember, but I probably learned this later, Professor Bosch.

Q. What mission did Dr. Gattineau and Buetefisch have?

A. They were to try to stop the attacks in the National Socialist Press.

Q. Did Bosch intend to make an arrangement or an agreement with Hitler?

A. No, I can't believe that.

Q. Could these two gentlemen at all have been able to commit the firm, even if they had wanted to?

A. That was quite impossible.

Q. What was told you about the course of the conversation?

A. Buetefisch told me that Hitler made the statement about the Autobahn and about the mechanization, and that Buetefisch could only talk quite briefly about the problem of synthetic production of gasoline. He had the impression that Hitler understood that this production was necessary for Germany and that he promised to stop the attacks of the National Socialist Press.

Q. In the autumn of 1932 was there already a protective tariff on gasoline?

A. Yes.

Q. Was this protective tariff changes as a result of this discussion?

A. No.

Q. Was this protective tariff at all changed during the next following year?

A. During the years immediately following this discussion it was not done. I think it was done later around 1937, for different reasons.

Q. In 1932 was a gasoline contract negotiated about with the Bruening government?

A. Yes.

Q. Did the conclusion of this gasoline contract in 1933, have anything to do with Bueterfisch and Gattineau's discussion with Hitler in the autumn of '32?

A. No, not at all.

Q. Did Dr. Gattineau at any time ever get in touch with a leading personality of the National Socialist Party?

A. No, never.

DR. ASCHENAUER: Thank you. I have no further questions.

BY DR. RUDOLF DIX (Defense Counsel for defendant Schmitz):

Q. Mr. Schneider, if an enterprise achieves social achievements, then that costs them some money. Mr. Schmitz was the financial expert of Farben. What was his attitude in this capacity about the social welfare measures and assistance that Farben instituted?

A. Mr. Schmitz always was ready to accept any social suggestion for Farben. I know of no single case where he rejected suggestions that were made by me or other leaders of social welfare departments or where he might have only been disfavorably inclined towards them. Mr. Schmitz was also the initiator of the considerably large contributions that Farben made for the old age pension funds of their workers and employees. In my Document Book #9 in Exhibit 37 - that is #267 - there is a list of the social welfare achievements that Farben made. On pages 60 and 61 of this book, compilations have been made about the sums spent during 1942-1943. I want to explain briefly the figures for the year 1943. For contributions for emergency and social welfare to families and other assistance in this year amounted to 33.4 million marks. For welfare institutions - that is, hospitals, welfare offices nurses' homes, churches, schools, kindergartens, etc., an amount of 10.8 millions was spent. For catering establishments, feeding centers, restaurants, recreational homes, camp kitchens, an amount of 18.6 millions was spent. For plant apartments, 9.8 millions. For workers' hostels, barracks, etc., 41 millions. For expenses for pensions there were 86 millions spent, and for the annual bonus payments, 23.2 million. Altogether this amounts to 227.7 millions and if the legal social welfare insurance amounts of 25.5 millions are still added to that, we arrive at an amount of 253.2 millions. This is a sum which amounts to more than one-half of the export turnover of Farben, and other relations may be of interest too. It was 47.9% - that's almost one-half.....

MR. SPRACKER (Interrupting): Mr. President, we haven't objected because we thought it was quicker not to object, but if now we are going to get some more mathematical comparisons here

THE PRESIDENT: Your objection is sustained. This affidavit speaks for itself and the witness has already commented upon the part that Dr. Schmitz had in the program.

Dr. Dix, have you further questions?

DR. DIX: One more question in this connection.

THE PRESIDENT: Very well, if you have, but I think we had better take our recess and you may ask it after the recess.

DR. DIX: This will only take one minute. It's only to be answered with yes or no.

THE PRESIDENT: Very well.

BY DR. DIX:

Q. Mr. Schneider, these were the social welfare achievements of Farben. Is it a fair statement to say, if I understood you to mean that the person in charge of the nurse of Farben, my client, always offered a ready ear and an open hand for such suggestions of social welfare?

A. That was certainly so.

Q. Thank you very much.

THE PRESIDENT: The Tribunal will rise.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

BY DR. HELLMUTH DIX (Défense Counsel for defendant Schneider):

I only have one question with respect to a charge in the trial brief which I had overlooked.

Q. Mr. Schneider, the charge is raised against you in the trial brief that your position as Hauptabwehrbeauftragter was in connection with your capacity as a supporting member of the SS. Would you please say something on that?

A. No. This had nothing to do with respect to the settlement between I.G. Farben and the intelligence service. Between SS and the OKW-Abwehr Intelligence extensive tensions had come about which finally led to the death of Canaris and many of his associates in the years of 1944 and 1945. Even the Abwehrbeauftragter of Leuna, Mr. Schaumburg, as I had already explained, had been arrested. The confirmation in office of Hauptabwehrbeauftragter by the Reich Security Main Office was only a formality as long as military intelligence was operating. After the 20th of July 1944, when Abwehr Intelligence was transferred from OKW to the SD and when it was reorganized, my position has not been again confirmed. The RSHA, (The Reich Security Main Office), at that time requested to talk with Geheimrat Schmitz about matters referring to reorganization in Farben with respect to matters of secrecy. Because of Schmitz' passive attitude and the shortage of time, this conference never took place.

Q. Thank you. I have concluded now.

JUDGE MORRIS: Dr. Dix, I want to digress from my usual row of "tail twister" and compliment you on the manner in which you and your client, the defendant Schneider, have presented your case. Your questions have been very much to the point, and the answers have been on the most part reasonably concise, and I think I can speak for the entire Tribunal in saying that this has been one of the most satisfactory examinations that we have had conducted in this case so far.

DR. DIX: Thank you, Your Honor.

DR. FLAECHEISNER: Dr. Flaechesner for the defendant Bueteufisch.

BY DR. FLAECHEISNER:

Q Dr. Schneider, in your testimony you have already pointed out that in Leuna in the capacity as member of the Vorstand of Farben, as deputy business manager of the Ammoniakwerk Merseburg was incorporated with your position. Were there any other business managers in Leuna?

A Yes, in addition to Dr. Bueteufisch there was a deputy business manager Dr. Sauer.

Q Was that the so-called Werks Management (Werksleitung)?

A No, but this Werks Management, as I have explained before, belonged also to the head of the technical department, Dr. Stromberg, and also respectively, the Production Manager, at first that was Dr. von Staden, and after his death, Dr. Wustrow.

Q Since when have you known Dr. Bueteufisch?

A I have known Dr. Bueteufisch since 1920, when he came to Leuna.

Q Up to 1945, that is about twenty-five years, you worked with him?

A Yes, all the time.

Q Were you a friend of his?

A Yes. Our families had also relations with each other, and he was a godfather to one of my sons.

Q Can you explain briefly what special responsibilities and tasks were held by Bueteufisch within the framework of Sparte I?

A At first we had together the technical leadership of the Leuna plant. We did that together with our other associates in the Werks Management. The relationship of superiority in the sense that it was with authorities in the Army did not exist in our case. It was teamwork with us, where one supported the other, and where everyone did his part wherever it was necessary, and wherever the maximum could be achieved according to ones efforts. In addition to the technical management, Dr. Buetafisch had predominantly to represent the interest of Farben and the Sparte outside of the Leuna plant. He was the liaison man with the Nitrogen Syndicate, he took care of the hydrogenation and the mineral oil interests of the Farben industry; he was active with the Brabag as a technical adviser; he supervised the planning of the plants at Moosbierbaum and Auschwitz, so far as Leuna was concerned. He dealt with respect to the economic production of Leuna, and he represented Farben in the Aufsichtsrat of the Hydrogenation Plant of Poelitz, and the Nitrogen plant at Linz. These on the whole were his activities.

Q Isn't that somewhat much for one one man?

A Yes, but the war demanded an excessive amount of work of all of us. In addition he was supported by a number of his colleagues whom he used as helpers.

Q Was Dr. Buetafisch ahead of any one of the plants you mentioned?

A No, that was not the case, and this was not within the sphere of his field of tasks.

Q You were speaking of Auschwitz before. What was Dr. Buetafisch's specific job at Auschwitz?

A As I already explained, that was handled in the same way as Moosbierbaum. He had to deal with the lineup of the plant.

Q Was Buetafisch responsible for this Leuna plant?

A No. A considerable amount of other responsibility and tasks were incorporated into the field. In view of the volume of work

he only dealt with it in part in Leuna. As for Auschwitz Dr. von Staden was the representative, but in the same way the building and assembly sphere our engineers, Dr. Sauer, Dr. von Staden and Dr. Hopke supervised the management.

Q Now something else. Did you notice that Dr. Buete-fisch was in any way politically active?

A No, in no way. None of us were active politically; apart from the fact we were not inclined towards such activity, as we didn't have enough time.

Q Was it known to you that Dr. Buete-fisch was in the "Circle of Friends"?

A Yes. He occasionally told me about it, and he said that a colleague in the Brabag, Kranefuss, asked him to attend the meetings in this Circle.

Q Did Dr. Buete-fisch attend these evening meetings as an official representative of Farben?

A No. That was in no way the case. In my opinion that was purely a private avocation for purely political reasons, and he could not circumvent such an invitation.

Q You said, political reasons?

A I wanted to say, personal reasons.

Q Through the participation in this Circle, did Dr. Buete-fisch gain any advantages in a political or social way?

A In no way at all, so far as I can tell anything Farben did not know about it. Buete-fisch didn't discuss that.

Q Did he tell you about these evenings while you were with him?

A No, again I remember that he told me what industrial gentlemen he met there. It was always my impression that these were purely social affairs. I have never heard about the Circle of Friends interests from the gentlemen in the industry.

Q Did Dr. Buete-fisch offer any assistance through his

participation in this Circle?

A No, but on the other hand Bustefisch on his own initiative, and also upon my request through these connections he endeavored to convey in an unselfish manner help to political and racial persecutees.

Q Do you know to whom Bustefisch turned in that respect?

A As far as I know he turned to Kranefuss.

Q Can you cite a number of cases where Bustefisch gave such assistance?

A Yes, so far as the Leuna plant is concerned, I remember the case of a Jewish chemical engineer, Dr. Baumann. I remember the case of the Abwehrbeauftragter, Mr. Schaumburg, on whose behalf I intervened, and I also remember the case of Weinberg.

Q Did you know that Bustefisch received a rank in the SS?

A Yes, I knew that. I believe I found that out much later, only around 1943. I found that out because of the occasional remark of Bustefisch about the matter, but he neither wore the uniform nor any of the badges, and I had concluded that as far as he was concerned that was purely a formal matter.

Q Did he have any difficulties with the Gestapo or the SD in that respect, and if so, what was Bustefisch's reaction? Did he oppose any such movement?

A There was only one opinion prevalent among us, and he tried to do everything possible in order to prevent excesses of the SS.

Q Did you know anything about the donations which were given to the SS by Herr Geheimrat Schmitz?

A No, I didn't know about it, and I already said so.

Q Didn't Bustefisch tell you about that, since you and he were always together with him?

A No, especially during wartime donations were such a general thing and such a compulsory feature, that not one word was said about them.

Q I am now turning to another point. What do you know about IG's participation in Fuerstengrube?

A Farben's participation in the Fuerstengrube originated from the suggestion by Bergwerksdirektor Scharf, who was in charge of the Farben mines. This suggestion was made between 1939 and 1940 when a coal phase arose for our staff of German plants, the Heydebreck, Waldenburg, and also for the planned Bund plant at Breslau.

Q Was Dr. Scharf a member of the Vorstand?

A Yes, he was.

Q Did the coal question belong to this sphere of Sparte I?

A Yes, I explained that initially, since the question arose he belonged to this Sparte I, but they were treated independently from a material point of view by that director of the shop.

Q Upon this suggestion by Buetevisch was Fuerstengrube, G.m.b.H. immediately founded together with "Pless, A.G."?

A No, as far as I remember such negotiations were carried on throughout the year of 1940. The matter was investigated by an expert commission, which was brought into being by Dr. Scharf.

Q How did it come about that Dr. Buetevisch was involved in this matter belonging to Sparte I?

A The coal was predominantly designed by Plant Sparte I. Dr. Scharf by reason of illness didn't wish to travel any more, and suggested that Dr. Buetevisch take over these negotiations.

Q Well, Dr. Buetevisch is a mechanical expert, how was he in a position to take over such work?

A Naturally there was the expert commission, and from the point of view of contractual questions he had at his disposal the legal department in Berlin, but beyond that Bustefisch was an expert in the field of Hydrogenation. That is to say, with respect to all possibilities in the uses of coal. It depended greatly on the quality of coal and Bustefisch had sufficient experience in that field.

Q Was Dr. Bustefisch then commissioned by Farben to continue these negotiations?

A Yes, he had reported on that before the TEA and Vorstand.

Q Do you know why Farben, when concluding the foundation contract, demanded a fifty-one percent share?

A That is purely an economic matter, and is connected with the syndicate law with respect to self-consumers.

Q In other words, this is a question concerning only the syndicate law?

A Absolutely.

Q Did that mean that the Fuerstengrube, G.m.b.H. belonged to the concern of Farben, and became one of the Farben plants?

A No, it didn't belong to the Farben plants. Fuerstengrube remained an independent company, with its own business management. The business management was neither represented in the Vorstand of Farben, nor in TEA. It didn't belong to the Employers Enterprises, the Advisory Council, nor did it partake in any of the conferences of the leaders of the plant.

Q What do you know about the trustee administration of the Yaminagrube by the Fuerstengrube, G.m.b.H.?

A I know nothing definite on that, but reports were often made on that before the Vorstand, and these measures were approved on by Farben.

Q A number of social measures were taken up by the Fuerstengrube where IG Farben participated? I remind you of Prosecution's submission with respect to the delivery of food, etc., what do you know

about that?

A One really can not talk about direct participation by Farben, and Farben, that is the Auschwitz plant, only assisted this enterprise to which it was friendly. The social measures and questions with respect to labor laws were handled by the business management of the Furstengrube. This was testified to by the witness Weidemann at the time.

DR. FLAEGEN: No further questions, Your Honor.

DR. SEIDL: Dr. Seidl for the defendant Dr. Duerrfeld.

BY DR. SEIDL:

Q Dr. Schneider, I have just a few questions with regard to the affidavit Exhibit 1418, in Document Book 68, and it bears document no. NI-7604. In that affidavit you say that Camp Monowitz was a concentration camp, and in another spot you say that this was a branch, and from other documents of the Prosecution it is shown, that this camp was designated as a labor camp. Would you please clarify this contradiction of facts in your statement?

A It would be more correct to designate the Monowitz Camp as a labor camp, that is what I meant, when I said that it was a branch of the concentration camp at Auschwitz.

Q Under Paragraph 14 of that affidavit you state, and I quote: "Overworked and drawn human beings were to be found there; a large part of them still looked quite well." Did you mean to say that the affidavit - which was probably drafted by the Prosecution, that the inmates had deteriorated in their physical condition because of overwork, or what was it that you wanted to state in that sentence?

A It was certainly not my intention to express that the conditions of these inmates were caused by their work in Auschwitz. I have already said before that this was purely a subjective impression I had of these inmates, when the Prosecution asked me about it. I already stated, this was not only a condition which was limited to inmates, but it was just as true in case of German workers within the German staff.

Q What was your general impression of the general physical condition of the inmates? Was that condition such that it prevented their doing any physical work, or was the general condition such that one could very well assign to them even heavy physical work?

A No doubt, one could expect of these inmates to do the same kind of work which before any other German worker had done. I noticed also that they worked extremely slowly. Particularly I would like to point out that I personally had only very little opportunity to observe the inmates. The first time I had been at Auschwitz I saw a little more on the whole, but I actually stayed there only a short time. On my second visit to Auschwitz I was only there one morning, which was largely filled by a construction meeting, and then of course I saw only very little of the inmates.

Q I am mainly interested in the year of 1943, when you were there the second time, because it was at that period that Dr. Duerrfeld was in the construction area. My question is: What were your observations with regard to the inmates? Were they forced by prohibited measures to an extreme working speed?

A No, not at all.

Q Did you make any observations at all that inmates were beaten, that they showed traces of maltreatment, and did you find out, or did you see any traces that the inmates were treated in a manner which could not be tolerated?

A I made no personal observation of that kind.

Q Was it your impression that the construction area by a great number of different machines, alleviated the work of the inmates? Or did you gain the impression that they mostly had to do physical labor, and particularly I am thinking of your visit in the year of 1943?

A During my first visit it was clear, and it was obvious, since we were still at the beginning of the construction, that a lot of manual labor had to be done. As far as I can recall, -- I didn't pay

particular attention to it, -- but I think that when I visited there the second time, most of the work had been mechanized, and shortly after I went through the plant of the construction area, I found out that, as the construction work was continued, mechanization progressed. We were naturally interested in mechanizing labor in order to save workers. We were always under pressure with regard to the hiring of workers.

Q Your second visit was in January 1943 -- that is, during Winter. Were the inmates in such a condition because of their clothing that they could not be asked to stay out in the open? Or did they have pullovers to protect them against the cold? What were your observations?

A Nothing became conspicuous to me in that respect. If something had not been quite in order, I would have remembered it, but I couldn't possibly say that they were in a condition as far as their clothing was concerned which would have made it impossible for them to withstand the temperature.

DR. SMILE: No further questions.

THE PRESIDENT: Thank you, Counsel.

Any further interrogation in behalf of Counsel for defendants?

Since none has been requested, the Prosecution may proceed with the cross examination.

MR. VAN STREET: May it please your Honor, I shall handle the cross examination of defendant Schneider in respect to Count III, whereas Mr. Sprecher will have some questions to ask on the other Counts, and possibly one or two on Auschwitz.

It is considered opinion that the ~~cross~~ examination will not be unduly long because a great many of the questions will require only categorical answers.

CROSS EXAMINATION

DR. CHRISTIAN SCHNEIDER

BY MR. VAN STREET:

Q Dr. Schneider, as Farben's Main Plant Leader you were Farben's principal liaison with the German Labor Front, is that right?

A Yes.

Q Now, it was your responsibility, among other things, as the Main Plant Leader of Farben to be conversant with the development in the labor field in respect to rations, billeting, and so on, of foreign workers, is that right?

A Not quite. With respect to the housing of foreign workers, you

are correct, because such matters went through me. With respect to the food in the various plants, I was only responsible insofar as I had to know about the general provisions and was informed of such provisions which originated from the Government with respect to food.

Q In other words, as Farben's Main leader in the social field, all matters pertaining to the billeting of foreign workers came through your hands?

A Yes.

Q And you reported on these matters to the Vorstand, did you not?

A Not to the Vorstand.

Q To whom did you report?

A These programs went to the Technical Committee for its approval.

Q Now, as the delegate of the Vorstand in social matters, did you not from time to time report to the Vorstand on innovations in the field of social matters?

A Yes, that happened in a few cases. As far as I remember, I once held a — once made a general report about the social problem as it affected Farben. Mostly my reports to the Vorstand referred to general social questions referring to all plants on which I had to work in my capacity as Main Plant Leader.

Q Would you be good enough to tell us when and on how many occasions you made such reports to the Vorstand?

A It is hard for me to reconstruct it from memory immediately. I only remember that at one time in 1939 I made a general report. Then I occasionally spoke on specific questions, pension funds, insurance questions, et cetera. I can't remember how often that occurred and when it did.

Q Well, Dr. Schneider, it was your duty, was it not, to report to the Vorstand after important questions of principle on social matters had been decided — that is, by you?

A Yes.

Q Now, do you recall any instance in which the Vorstand disagreed

with you on the decisions that you had made?

A I can't remember that that was at any time the case.

Q Now, in line with your being Farben's principal liaison with the German Labor Front and in line with your responsibility as delegate of the Vorstand and consequently your responsibility to be reasonably conversant and familiar with developments in the labor and social welfare field, will you tell us how soon after the occupation of Poland, which was in September 1939, Poles were forcibly deported to Germany for work?

A I don't know of that specifically, because we didn't employ any Poles at Louisa. As far as my activity as Main Plant Leader is concerned, that wasn't really a matter with which I had to deal. I think I have sufficiently often explained in my direct examination that the employment of labor did not belong into the sphere of the Main Plant Leader. That was a matter for the local plant leaders.

Q Dr. Schneider, we understand, but I think you have just said, if I haven't misunderstood you, that you would have to approve the billeting of foreigners, and considering that Poles are foreigners, would you not have to approve the billeting if they were hired in any of the Farben plants?

A In this respect, yes.

Q Now, did you know about the decree introducing compulsory labor in Poland, which was in October 1939, one month following the German occupation of Poland?

A It may be that I heard of it. I never received such reports directly. Perhaps sometimes through my office.

Q How did you come to hear about it?

A I didn't understand your question.

Q How did you come to hear about it? What were the circumstances incident to your hearing about this compulsory labor decree in Poland?

A I really can't tell you that now.

Q All right, Dr. Schneider. Now, how soon after the 26th of October 1939, which was the date of the compulsory decree in Poland, did

Farben start using Polish workers?

A What you want to know is when, starting from that period, foreign workers were employed?

Q Foreign workers were employed — that is, by Farben.

A By Farben. I can't tell you that exactly, but I assume during 1940.

Q Why do you say 1940, Dr. Schneider?

A I don't remember exactly when it started. I really can't tell you from memory today.

Q Well, if you say, Dr. Schneider — What I am trying to get at — 1940 is your own testimony. There must be some circumstance or incident which causes you to say 1940.

A Yes. After Poland was occupied, labor was released there and was sent to Germany. I couldn't tell you offhand where to such labor was sent, but in 1940 I assume it was the case.

Q Dr. Schneider, on having shown to you two very short documents identified as NI-14138, which I ask be marked as Prosecution's Exhibit 1899, and NI-14135, which I ask be marked as Prosecution's Exhibit 1900 — This, Dr. Schneider, as you will note, in respect to NI-14138, is the minutes of the meeting of the management held at Wolfen, I believe, on 14 May 1940, wherein it is stated that the application for employment of Polish male and female workers have been approved. "The billeting question for women has not yet been finally decided." And this, NI-14135, which is likewise the minutes of a meeting of the management at Wolfen held on the 18th of June 1940, which advises that "43 Polish female workers of the second transport which arrived here yesterday, will be employed for the fabrication of films and 30 will be employed for the fabrication of artificial silk." Now, that ties in, of course, Dr. Schneider, with your statement that employment of Poles by Farben began in 1940. Now, I ask you, do you recall any other instances?

THE PRESIDENT: Counsel, I will leave it to you. It is about recess

time, but you may let the question be answered, and then indicate to the Court when you are ready to suspend.

Q Dr. Schneider, did you hear my question, or perhaps you are not ready to answer it.

A Just a minute. I have to read it.

Yes. There is nothing I can say against that -- I can say about that. It is a report from Wolfen and I don't know of it.

Q Now, can you remember any other instances which might have come to your attention, comparable to this, in the scope of your duty concerning the employment of, or, forced employment of Poles by I.G. Farben?

A I can't remember today. Much has happened since then. So much time has passed, I really can't.

THE PRESIDENT: The Tribunal will rise until 1:30.

(A recess was taken until 1330 hours.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours.)

THE MARSHAL: Tribunal VI is again in session.

MR. VAN STRIET: Shall I proceed?

THE PRESIDENT: You might talk slow for a minute since we are about a minute ahead here, until Counsel comes. They will be coming in.

CROSS EXAMINATION (Continued)

DR. CHRISTIAN SCHNEIDER

BY MR. VAN STRIET (cont'd):

Q Dr. Schneider, when we recessed for lunch we had just concluded talking about the inception of the employment of Poles in Germany and in Farben. I now ask you, will you tell us when it was that the forcible employment of Russians in Germany began?

A I do not remember the exact date any more. It must have been after the beginning of the Russian campaign.

Q Yes, that was in June of 1941. Well, now, would you agree with Dr. Struss' testimony to the effect that practically everybody in Germany was drafted for labor shortly after the Battle of Kiev which, as you will recall probably, was November 1941. Would you agree to that testimony?

A I remember that it was at a later time, but it may have been that it was already in 1941.

Q Now, Dr. Schneider, when did Farben start employing forced Eastern workers?

A I must ask you, first of all, what you mean by "forced laborers." Do you also include the drafts for labor in Poland, or do you mean these people who were forcibly recruited those Russian workers who were forcibly recruited?

A My question is limited to Russian workers only. However, as I have seen, the term used, that "Eastern workers" has ordinarily applied to Russians alone. And when we speak of Poles, we say Poles. But the question, to be more specific, if it will help you, let it pertain to Russians alone.

A Well, I can not give you the exact time any more. It was probably around that time — 1941 to 1942.

Q Now, Dr. Schneider, in matters of discipline the individual Plant Leader could punish a worker for such things as irregularities at work, laziness, and so on, by a fine, a reduction in food ration, or reprimand; isn't that right?

A That is correct.

Q Now. And serious cases were reported to the Gestapo, is that right?

A In serious cases a report to the Gestapo had to be made.

Q By the Plant Leader or someone authorized to do that function for him?

A Through that person who had been authorized by the Plant Leader to do that, and that was — for example in Leuna — that was the head of the camp guards at some other place, it might have been the employee's leader. I cannot tell you exactly.

Q That is sufficient. Thank you.

Now, Dr. Schneider, I am having handed to you Exhibit 1300; that is Prosecution's Exhibit Document 3040-PS, which is in Prosecution Document Book 67, English, page 51, and German, page 38.

I can go on. This is a decree, Dr. Schneider, issued by Himmler and deals with the commitment of manpower from the East and is dated 20 February 1942. It concerns the guarding of Eastern workers and supervision of the plant where Easterners worked, disciplinary measures, and so on. Now, you indicated in your direct examination yesterday that this circular came to your attention. Now, I draw your attention to the matter of "special treatment," which is discussed in paragraph 5 of Section III. That's Arabic 5 and Roman III. Where it says "special treatment is hanging." Now I want to ask you, Dr. Schneider, how many instances were there that Eastern workers of Farben were given "special treatment" — that is, hanged in the Farben Eastern workers' camps?

A I know of no case.

Q Did you know —

A I know — I have know nothing, and no case came to my attention.

Q You did not know then, Dr. Schneider, that in the Winter of 1944 five Eastern Workers were hanged in the Eastern Workers' Camp at Bitterfeld?

A No. I learned this only here.

Q How did this come to your attention here Dr. Schneider? When? That is to say, when and by when was this particular matter called to your attention?

A I learned this from Dr. Buergin.

Q And Dr. Buergin did not report that to you until here — until you were here in Nurnberg?

A No.

Q And now, Dr. Schneider, you have visited Bitterfeld quite frequently, didn't you?

A No, not frequently.

Q Well now, Dr. Schneider, did it surprise you a great deal when you learned of this incident here and didn't know of it before?

A No, that was not an affair that had anything to do with the plant. As far as I have heard, this was done by the SS.

Q Well, is it possible, Dr. Schneider, that the hanging of Eastern workers in Farben — in Farben is Eastern Workers' camps would be a matter of such little importance that it wouldn't come to your attention at least shortly thereafter, in your position as Chief Plant Leader?

A As far as I have heard, it did not happen in the Eastern Workers' Camp but in front of the Eastern Workers' Camp.

Q Now, Dr. Schneider, you state in your affidavit, Exhibit 1328, NI-3848, because there were no other workers available it was after 1941 customary to employ concentration camp inmates in the I.G.

and then you qualified this on your direct testimony yesterday to include only certain plants: is that right?

A Yes.

Q Now, was the employment of concentration camp inmates discussed in the Plant Leaders' conferences?

A As far as I remember, it was not.

Q Was the employment of concentration camp inmates discussed in the Vorstand?

A As far as I remember, it was not.

Q Then it's your testimony, is it, that the Vorstand did allocate over a period of months or years credits amounting to millions of Reich Marks to house concentration camp inmates without any discussion as to what type of workers were involved or where they came from? Is that your testimony?

A No, that is not right.

Q Now, what is your testimony? What is your testimony in respect to that?

A My testimony is that this affair was not discussed in the Vorstand; that it only reached the knowledge of the Technical Committee, as I have stated this morning, and there on the hand of Dr. Struss' charge or Dr. Ambros' lecture the Technical Committee learned of it, but it is not correct that the Vorstand decided on this, because the credits were discussed in the Technical Committee, and the large sums were reported to the Vorstand, but the details of these credits were not discussed in the Vorstand.

Q In other words, your testimony is that the matter as a whole, so to speak, or a summary of the matter as a whole was presented to the Vorstand, rather than the details?

A What is your question? The Vorstand learned about the total sums of the credit applications and the Vorstand had them presented to them in summary. Perhaps some credits were discussed with a few words, but I do not remember that the Vorstand, for instance, discussed the

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appropriation of credits for barracks for concentration camp inmates.

Q Well, at the time the Vorstand approved the credits for the housing of concentration camp inmates, would not the Vorstand know that particular credit or credits were for that precise purpose?

A. No, I don't think so.

Q. Now, Dr. Schneider, in your direct examination yesterday you stated that the experiences gathered on foreign workers were generally discussed in the plant leaders' conferences. Now, in connection with the matters discussed, and to complete the picture as to the operation of the plant leaders' conferences, I want to ask you if this is a fair statement, and I kindly ask you to listen carefully: "All social matters concerning German as well as foreign workers were discussed at these Betriebsratler conferences; for instance, wage and tariff questions, insurance premiums, accommodations, catering, watchmen, disciplinary measures, sickness returns, and so on. At these meetings, new regulations issued by Reich Offices on Social Welfare in general and the Employment of Foreign Workers in particular, were announced and discussed. The measures to be adopted for the execution of such regulations and instructions were determined at these meetings and at the conference of the Social Committee, elaborated by the Bureau Bertrams and then issued by Dr. Christian Schneider as Social Welfare Officer of the Central Committee in the form of directives valid for I.G. in general." Is that a fair statement?

DR. DIX (For Schneider): It is very difficult to follow such a long statement in the microphone after it has been translated. Therefore I ask that we be given this in writing, or that it be read once more, very slowly, unless we have it in writing, in German. I have not been able to follow this statement.

MR. VAN STREET: May it please your Honor. I appreciate the anxiety of Counsel but, with the Court's permission, I would like to find out whether the defendant understood it. Perhaps he did, because he is very familiar with these matters.

THE PRESIDENT: That is the kind of a question that is calculated to be rather time-consuming because, in its element, it naturally could be many questions. However, that is a matter primarily for the defendant. If he understands the question, which he is entitled to understand, in all

of its parts, so that he feels that he is in a position to answer it, he may answer it. If he thinks it is too comprehensive, or he does not understand all of the elements of it, he may say so and we will direct Counsel to break it into smaller units. Now it is just a matter for the defendant to answer for himself. If he understands that question, and can answer it, there is nothing inherently improper in the question.

MR. VAN STREET: May it please your Honor, I want to be fair to the defendant and I just find that we do have a copy which we can furnish him, so I would just as soon...

THE PRESIDENT: Is it in English or in German?

MR. VAN STREET: It is in German.

THE PRESIDENT: That is very good. (To the defendant: Just wait a moment and we will give you a German copy of the question.)

MR. VAN STREET: (to assistant) Just direct his attention to that paragraph alone,

BY MR. VAN STREET: Dr. Schneider...

A. It is not necessary for me to read it through. I did understand the question very well and just because it is so complicated it is possible for me to answer it very simply. If one considers everything that was supposed to have been discussed during these plant leaders' meetings, and if one also takes into account that during the war on the average perhaps two meetings a year took place, each of which lasted 2½ hours, then every reasonable man will understand that it is impossible to talk about all these social welfare matters during one such meeting. As I have stated, a whole number of matters concerning the whole enterprise were discussed at these plant leaders' meetings, such as annual bonuses and premiums, the old-age pension fund affairs, some foremen contracts, or such things. The workers' statistics were also submitted and, with the aid of these statistics, mostly done by Dr. Bertrams, it was explained how the fluctuations of workers took place and during this time the foreign workers were undoubtedly also discussed. But the details, and in particular such things as salaries, punishments, guardings, food, and all these, were

affairs that had to be settled at the local plants themselves. The place for that was not the plant leaders' meeting or the enterprise council (that is one and the same thing) -- that was not competent to do that. I have already read this statement once before in a document, although I cannot see it here; it is probably the affidavit of Professor Lautenschlager, and I believe that Professor Lautenschlager will go into that matter when he takes the stand.

Q. Dr. Schneider, in connection with your testimony yesterday, on the employment of children, you stated that the only reason children were employed was to keep them off the streets. Now I want to ask you now -- could not the children have been kept off the streets by being sent to school?

A. That would certainly have been the case also, but, and if I may explain this, a regulation existed according to which German children from 12 to 14 years were permitted to be employed.

Q. You also indicated yesterday, in your direct examination, that the nature of the operation in the Leuna plant was such that there were fire and explosive hazards and for that reason German personnel were preferred to the foreigners, who could not always be trusted to take the proper care. Now, if this is true, how then can you reconcile this situation to your employment of little children, who by nature and disposition are not as careful as adult persons?

A. That is something different altogether. Those children were not employed in the plants.

Q. Where were they employed?

A. I beg your pardon?

Q. Where were they employed?

A. Partly in the laboratory, washing out glassware, and then I, myself, remember that children were employed in Leuna plants as messengers -- for delivering letters from the post office to the various places in the plant.

Q. In other words, even in the messenger service though they would be in the plant, is that right?

A. Yes, certainly, but the plant, as such, was not in danger. That I stated about the danger of explosion and fire in regard to the plant refers to the work carried on in the plant itself, and I meant we needed very reliable people so that no fire or explosion might be caused by negligence.

Q. Now, Dr. Schneider, why was prompt attention given to the erection of brothels, and the erection of schools for children ignored?

THE PRESIDENT: Mr. Prosecutor, that might be a pertinent inquiry if the issue here was one of morality or moral conditions.

MR. VAN STREET: Your Honor, I am coming to the next question, which probably will...

THE PRESIDENT: Very well. Go ahead. Answer the question if you can.
BY MR. VAN STREET:

A. We never paid any attention to the erection of brothels. That was an affair that we were approached with from the outside, by the German Labor Front and which they demanded. We didn't like to do this and we only did it because we were forced to. I consider it out of place to bring this up in connection with schools. We have done enough for the social welfare of our people and we can prove that and I believe that it is absolutely out of place to make such a comparison here.

Q. Then, Dr. Schneider, your answer is that you erected the brothels because you were asked to?

A. Yes.

Q. Then, if you had been asked to erect schools you would have erected schools, is that right?

A. That would have been done, too, yes, but I already said we had a school in Louna too, and we shall prove that also.

Q. Now, Dr. Schneider, labor was one of the pressing problems of the German war economy from 1940 on, is that right?

A. I did not understand the question.

Q. I will repeat it. Labor was one of the pressing problems of the German war economy from 1940 on, is that right?

A. Yes, that is correct.

Q. As a matter of fact, the labor problem was so acute that it was the concern of all management, is that right?

A. Yes, certainly.

Q. Now, labor matters and the measures to secure workers were often discussed in the Vorstand, is that right?

A. Not in the Vorstand.

Q. Very well, Dr. Schneider, I am having handed to you Exhibit 1527.

THE PRESIDENT: That, of course, is a Prosecution Exhibit?

MR. VAN STREET: Yes, your Honor.

THE PRESIDENT: I want to say to all Counsel that I think if you will bear in mind, all of you, when you refer to exhibits, henceforth, if you will identify them as to Prosecution's exhibit, or the exhibit of the particular defendant, we may avoid some confusion. The old practice was all right as long as we were dealing with Prosecution's exhibits but it is going to be a little difficult sometimes to identify the exhibit unless we have it further shown as to where it came from. Please bear that in mind.

MR. VAN STREET: Thank you, your Honor. We shall do that. Now this is further identified as NI-1048 and it is in Prosecution's Document Book 68; the English page is 75 and the German page is 86.

BY MR. VAN STREET:

Q. Now, Dr. Schneider, I draw your attention particularly to your letter to Messrs. Mann and von Schnitzler, dated 6 November 1942, and you start that letter by saying: "During the last meeting of the Vorstand, the suggestion was made that French labor should be obtained for the I.G. within the framework of the intensified Sauckel campaign" and so on. Now, how do you reconcile the statement you have just made, that labor matters were not discussed in the Vorstand, with this letter?

A It is correct that it is stated in this letter as you say it and that a discussion of this case in the Vorstand meeting is mentioned. I did not remember this affair at all, and I want to emphasize that general social welfare questions were actually very rarely discussed in the Vorstand, so that this must be an individual case that escaped my memory.

Q Now, this is your letter, Dr. Schneider, and your memory has been refreshed. Would you be good enough to tell the Tribunal the circumstances surrounding this suggestion which was made in the Vorstand?

A We were here concerned with the employment of French workers, by reason of the intensified Sauckel Operation. After this Sauckel Operation had been initiated, Farben had endeavored to obtain workers from acquainted French firms and in this case we thought about Francolor and we tried to get skilled chemical workers.

Q Now, Dr. Schneider, how did it come about that you addressed yourself in this matter to von Schnitzler and Mann?

A Because I assumed at the time that these two had some connection with the Francolor firm.

Q In other words, Dr. Schneider, the labor situation was so pressing that no matter what the position of a person in Farben was, be it in social matters, technical matters, or commercial matters, if it was thought that he could do something about the labor situation he was asked to do it, is that right?

A In this particular case, something else is concerned as well. As I see, this affair was brought to my attention by Mr. Mathy. He was one of those employees that we made available to the Plenipotentiary General for Chemical Production Questions for the recruitment of suitable workers, in France, for instance. We, in Leuna, also desired to get suitable workers. We were not concerned here with getting just any kind of workers but, in the frame of what we were missing, we wanted to get what we needed. We needed skilled workers and since Mathy heard that by reason of this negotiation French workers could be obtained from chemical firms, I intervened here, upon the suggestion of Mr. Mathy, and

tried to get assistance from Mr. Maun and Mr. Schneider. As far as I know, nothing came of this affair.

Q Now, Dr. Schneider, I refer to paragraph 12 of Prosecution's Exhibit 1328, HI 4818, which is one of your affidavits. In this affidavit you state: "To speed up the procurement of labor from the occupied territories for the chemical industry in general and I.G. Farben in particular, I.G. sent a number of gentlemen to the countries in question, including Czechoslovakia, France, Italy and Yugoslavia." You further state that: "This was done by two methods: Either the gentlemen concerned traveled abroad only as representatives of the I.G. and endeavored to obtain as many workers as possible for the I.G. as a whole, or for their own plants in particular." Now I want to ask you: When these Farben officials from Leuna went abroad, as representatives of Farben, to secure labor, you, as their plant leader, had to give your approval, did you not?

A The procurement of workers for Leuna itself was done within the scope of the tasks of the gentlemen from the Plenipotentiary General for Chemical Production Questions. At that time I had the following in mind: We kept a firm of labor working for us in Leuna, who employed their own people on their work in Leuna and who had an office there, and -cuna concluded a contract with that firm. That is what I meant at the time; and I also meant one more case: That before the Plenipotentiary General for Chemical Production Questions should be consulted in these things, a moderate recruitment was undertaken by Leuna in Czechoslovakia, on a purely voluntary basis, of course in collaboration with the labor commitment agencies there. That was an operation started by Leuna itself, in order to get so-called racial German workers from Czechoslovakia.

Q Now you stated yesterday, on your direct examination, that these representatives of Leuna were sent abroad with the approval of the Reich Ministry of Labor, is that right?

A With the approval of the Plenipotentiary General for Chemical Production Questions, but with the approval also of the labor commitment agencies, that is, the Reich Labor Ministry, until the Plenipotentiary General for

Labor Commitment was appointed.

Q Now you knew at the time that these Leuna representatives were sent abroad that the recruitment of foreign workers by industrial firms was forbidden by Circular Decree issued by the Reich Labor Ministry on 10 July 1940 -- you knew that, did you not?

A Yes, but it was not done. No uncontrolled recruitment was undertaken. Everything that was done was done with the approval of the labor commitment agencies, by the firms that were given the permission.

Q Now that is precisely the point. How did you go about getting the approval of the Reich Labor Ministry to send these representatives abroad?

A I did not understand the question. Will you please repeat it?

Q I'm sorry. I will repeat it. How did you go about securing the approval of the Reich Labor Ministry to send these Leuna representatives abroad, to recruit?

A That was done by way of the Plenipotentiary General for Chemical Production Questions. If you like, I can explain to you how it came about that we used these people.

Q That is sufficient, thank you. Now, Dr. Schneider, when Farben officials from Leuna went abroad as representatives of GB Chemie to recruit workers, of course you also had to give your approval there, did you not?

A I gave my approval to the extent that I complied with the request of Professor Krauch to make several suitable experts available for his recruitment operation abroad. That was the manner in which I generally gave my approval. Of course I did not approve every single trip that was made.

Q Yes. Now, these Farben men who traveled abroad, as representatives of GB Chemie, secured labor for their own plants, is that right?

A I can answer that only restrictedly. They were given a mission to fulfill their tasks generally within the scope of the mission for the GB Chemie. It is a matter of course, of course, that these people showed interest in their own plants where they knew how labor conditions were.

Q Could you tell me who selected these men, that is, who selected the representatives in the case of Leurs, to go abroad?

A Upon the request of Professor Krauch, I first selected Professor Mathy and in the course of time various others were added, through Mathy. As far as I remember, there were five altogether.

Q Now, Dr. Schneider, was this matter of recruiting foreign workers by the activities of Farben men discussed in the Vorstand?

A I do not remember that.

Q Was it discussed in the TLA?

A At best perhaps only in connection with Francolor and such affairs, but generally I do not remember this at all.

Q Was it discussed in the plant leaders' conferences?

A No, as far as I know they were not.

Q Well now, Dr. Schneider, if it was not discussed in any of the above conferences or committees, where was the plan evolved whereby Farben would send representatives abroad? How did it come about?

A I have already explained that to you. That came by way of the Plenipotentiary General for questions of chemical production.

Q In other words, your testimony is that there wasn't any overall policy on this particular matter?

A There was no general policy, no. It is possible that other plants perhaps on their own instituted such recruitings, but I do not know that.

Q Well now, couldn't you say there was a general policy of cooperating with Professor Krauch's request for men?

A No, as far as I know Professor Krauch turned to other plants as well who also made available one or the other expert.

Q Dr. Schneider, do you recall when the first representatives of Farben were sent abroad to recruit, approximately?

A I cannot tell you that exactly.

Q Well, would you say it was 1940?

A Mr. Matti went already in '39 for us to Czechoslovakia.

Q Now, over how long a period was this practice followed by Farben; that is to say, would you say it was 1944, 1945, or did it stop earlier?

A As far as I know this lasted until 1944.

Q In other words it lasted after the appointment of Sauckel as Plenipotentiary General for Labor?

A Yes.

Q And with the coming of Sauckel it was pretty well recognized that western workers, that is to say, French workers, and Belgian workers and so forth were forcibly recruited; is that right?

A That was not recognizable immediately for as far as I know, the recruitments in the beginning were carried out on an absolutely voluntary basis until the service for labor, the draft for labor was instituted, and then of course it was recognized, for those service drafts were, after all, regulations.

Q Well now, when were these service drafts inaugurated? Wasn't it at least on or about March of 1942 or earlier?

A I do not believe so. It was probably around 1942, but I have no exact recollection as to the date.

Q Well, in other words, Farben continued to send representatives abroad to recruit even after it was pretty generally known that western workers were forcibly recruited?

A Yes, of course, but for entirely different reasons.

Q Now, Dr. Schneider, when you visited Auschwitz did you talk to any concentration camp inmates?

A No.

Q Dr. Schneider, did you ever of your own initiative inaugurate any disciplinary measures?

A From my own initiative, no.

Q I am having handed to you a copy of document number NI-44223, which I ask be marked as prosecution's exhibit 1901. Now, Dr. Schneider, you have this before you?

A Yes.

Q You will note that this is a file note from the files of the Filmplant Wolfen and that it has the signature of Dr. Schulze who is in the personnel department of Wolfen. It also has, adjacent to Dr. Schulze's name, Dr. Gajewski, which indicates that it at least came to Dr. Gajewski's attention. This deals with a visit which was paid to your plant, the Leuna plant, by Schulze, apparently, and then he is advising here of the

institution of a special or so-called special detachment, and he goes on to say that: "To this special detachment those members of the personnel will be removed who, in spite of different warnings and other measures usually taken in the plant, are still not punctual in fulfilling their work obligations. Not only people who work in the plant are assigned to this detachment, but also members of the personnel of construction firms who have been recruited by the plant and who are accommodated in the camps belonging to the plant. It is chiefly a question of workers on compulsory labor service. Except for the case of two youths, the members of the regular personnel from the Leuna district have never been assigned yet to this special detachment. However, there are Reich Germans as well as foreigners there. The period of assignment lasts each time for four weeks.

Now the last line on that page I would like to draw to your attention.

"This measure is the result of an order given by the plant leader within the scope of the powers which belong to him by virtue of the law concerning the organization of German labor and the factory regulations. No offices outside the plant have anything to do with the affair."

Now, Dr. Schneider, does that refresh your recollection as to your personal inauguration of disciplinary measures?

A Yes, I remember this case. This was an affair that was executed at the time by the Chief of the Technical Department. This was not ordered by me in particular, but by the Chief of the Technical Department and because at the time there were many slackers in the jobs and they wanted to decrease the number of these slackers as well. That doesn't mean that these people were badly treated, but they were just consolidated into a special labor detail. That was the punishment itself and within the scope of the plant regulations we had a possibility to carry out such disciplinary measures.

Q It doesn't mean that they were better treated either though, does it, Dr. Schneider?

A No, of course not.

MR. VAN STREET: No further questions.

THE PRESIDENT: Are you through?

MR. VAN STREET: Yes, your Honor?

MR. SPRECHER: It may be helpful to the Tribunal and to the defendant as well if I merely state briefly my plan of interrogation for the rest of this cross exam. We will not ask any questions of this defendant concerning production figures or the relation of specific products manufactured by I.G. or Sparte I in particular to the armament or to Germany's carrying on an aggressive war. We feel that insofar as the documents do not make these matters abundantly clear we have other alternatives than the examination of this defendant at our disposal. The principal part of my examination will be concerned with some general questions calculated to touch upon the defendant Schneider's relationship to the SS, the SD, the Sipo, the RSHA, the Abwehr and other organs of the Nazi police state. I will conclude with a very few questions on the general relations between the autarchy in rearmament and the political events in Germany, and then with a very, very few questions on Count 2.

CROSS EXAMINATION

BY MR. SPRECHER:

Q Now, before 1936, Dr. Schneider, did you regularly attend the meetings of the Vorstand and the TEA?

A Before 1936, do you mean the working committee?

Q Yes, of course, we agree that --

A I don't think regularly but rather frequently.

Q And how about the TEA?

A The same way.

Q When did you first attend a TEA or a working committee meeting?

A I believe that was in 1932 or '33. It may have been before that. I don't know it exactly any more.

Q After that, after 1932, did you attend quite frequently the TEA meetings?

A After 1932, yes, I said that already before.

Q Thank you. Did you and the defendant Bueteifisch become members of the SS at approximately the same time?

A Yes, yes -- oh, you mean promoting members?

Q Well, whatever your relationship was, did you take that up at the same time?

A Yes.

Q Was Leuna Farben's largest plant in 1933 and 1934?

A I believe so, if you do not count Ludwigshafen-Opau as one that was approximately equal.

Q Did any other leaders of the management at Leuna become affiliated with the SS at the time you and Bueteifisch became affiliated?

A Yes, Dr. Dehnol and Dr. Sauer. They became promoting members at the same time that we did.

Q Were there any exceptions on the leadership group, the management or direction group of Leuna who did not become members at that time, or did the whole top management become supporting members of the SS at that time?

A Dr. Dehnelt came to the three of us, Bustefisch, Sauer and myself. We were to go upstairs in the Directorate Building and he suggested to us that we do it.

Q Were there any other directors upstairs in the Directorate Building who had their offices there at that time or were those the four of you?

A There was also Dr. Strombeck, though he was the only one.

Q Did you know at the time that one of the important object of Chemnico was to obtain information about the nature of production in the United States and other countries, including production methods and technical know-how concerning mineral oil?

Yes.

Q Did you often report to the Vorstand concerning the nature of Farben's Abwehr activities?

A No, not very frequently. I believe this was done twice.

Q Now, as late as 1944 did you not call the principal technical and commercial persons who were in charge of Farben to Berlin for a discussion of Abwehr matters?

A Do you mean the Abwehr Beauftragten?

Q The main technical and the main commercial Abwehr representatives.

A Yes, that was done during three meetings during the entire war.

Q Now, did the defendant von der Heyde attend those three meetings?

A No, as far as I remember he only attended the first.

Q What year was that?

A That must have been in 1940?

Q We will come back to that in a little while. Now, you testified that as the chief Abwehr officer of Farben you only cooperated with the Army; is that correct?

A Yes.

Q I ask you to tell the Court the nature of your official duties in connection with the RSHA and in connection with political security in which the SD was interested as contrasted with military security in which the Army was interested.

A I had nothing at all to do with the Reich Security Main Office in Abwehr matters. There were only some directives issued by the SD for the Abwehr officers, and that was an obligation that applied to every Abwehr officer. These directives were offered in evidence by the prosecution.

Q There were a lot of them which the prosecution did not offer in evidence as yet, isn't that true? There were a lot more of these directives?

A What do you mean, many more?

Q I mean, you don't mean to say that the only directives which you received from the SD concerning Abwehr matters have been introduced in this case? You don't mean to say that, do you?

A No, but at the present I remember none except these.

Q Now, when I refer to the RSHA, I am naturally not merely referring to the Central Office. I am referring to representatives of the RSHA, the Gestapo or the SD. Did you have political duties within the plants in relation to the Gestapo, the SD, the Sipo, or the RSHA in that connection?

A Yes, in regard to reports for instance, reporting serious infractions against labor discipline, political affairs and so on.

Q Political affairs and so on; what do you mean by political affairs and so on?

A Well, if anybody was reported by a member of the employees or by way of the confidential council, that he had made statements, for instance, against the National Socialist system, against Hitler, or some such statement, then such a thing had to be reported.

Q Didn't you take steps and participate in a number of meetings where a system for taking care of this political opposition and security measures against the political opposition was worked out in great detail?

A I did not understand that.

Q Didn't you participate and sometimes take the leadership in meetings where details of these political measures of the Abwehr were discussed and detailed plans made?

A Outside of the plant, do you mean outside of the plant?

Q Some of the meetings were in the plant, some of the meetings were outside the plant. I don't care where they were, did you participate in such meetings?

A I cannot remember them now; perhaps if you put some document to me.

Q Do you know where the Gestapo headquarters was in Halle?

A I was never there.

Q Did you ever receive any invitations to meetings that came to you on the stationery of the Gestapo office in Halle?

A Yes, I now remember one single meeting to which we were invited; that is, I myself, and Abwehr officer and the plant guard leader of Leuna, to take part in a conference of the Gestapo in Halle where general reports and lectures were made about the Gestapo activity, but I cannot remember exactly what the subject was.

Q Now, were any of the persons who gave lectures at that meeting called by the Gestapo representatives of the OKW or the Army, or were they only representatives of the SS, the SD, the RSHA, the Sipo, or other agencies of the Nazi Police State? In other words, do you remember any single OKW man who gave a lecture at that time?

A No, certainly not from OKW.

Q But this was a meeting, was it not, of the Abwehr men from the plants around Halle, including Leuna; is that right?

A That was the only meeting in which I participate as far as I again remember now. It was the only meeting in which nothing was discussed but in which only lectures were given by the officers of the Gestapo or the SD. I could not evade complying with this invitation.

Q You were the chief Abwehr agent of the SD and the RSHA in Farben for the whole Farben enterprise as well as being Abwehr agent for the OKW. Now, isn't that true?

A Yes. First I was Abwehr officer for the OKW and after my appointment also by obligation, I was Abwehr officer in the sense of the SD regulations and directives..

Q. I didn't understand that before. Thank you.

Now, didn't you get a certificate with the "Reichssicherheits Hauptamt" spread all across the top, which appointed you specifically as the Chief Abwehr Agent of Farben?

A. I do not remember that. I know only that at the time an officer of the SD came to me. I believe it was the Chief of the Gestapo in Halle, who gave me the directives of their offices for their security estimate. I could not remember having received any document in that connection.

Q. Do you agree with me that you were appointed Chief Political Counter-intelligence Officer for all the I.G., and in that connection the Defendant von Der Heyde was made your deputy, and that that was so announced in a meeting at which a number of Abwehr people of Farben were present? Do you remember that?

A. May I please have the question repeated?

THE PRESIDENT: Counsel, you have about four questions there. Can't you simplify it a little bit? You've got about four elements. That's just the kind of a question that's calculated to make an unnecessarily long answer.

MR. SPRECHER: Thank you.

THE PRESIDENT: Break it down in steps and let him go on.

BY MR. SPRECHER:

Q. Do you remember being appointed Chief Political Counter-intelligence Officer for all I.G. enterprises — for the whole I.G. enterprise?

A. In connection with my appointment for the OKW of being the main counter-intelligence agent, but I do not remember having ever received any document that certified that was my position.

Q. Did you ever personally announce in any meeting of Abwehr representatives of Farben that Heydrich (Heydrich was then the Chief of the SIPO, the Security Police, and the SD, the Security Service)— that Heydrich had appointed you to be the Political Security Officer for the

entire I. G. enterprise and that von Der Heyde was your deputy?

A. I do not remember that.

Q. Now, speaking during the next questions of whatever political functions you had as an Abwehr representative, let me ask you this: Weren you directed to pay particular attention to any so-called atrocities propaganda among I.G. employees and attempt to stop such so-called atrocities propaganda?

A. I really do not remember anything about that.

Q. You don't recall any discussions of the function of the Abwehr representatives in preventing atrocities propaganda within the staff of I.G. Farben?

DR. DIX: I have to make an objection. This is not a denazification trial, but Count I charges preparation for an aggressive war. I want to state here personally that whatever Mr. Sprecher says, as far as my information is concerned perhaps is correct, from a formal standpoint but I consider it quite irrelevant to Count I of the indictment.

THE PRESIDENT: What do you have to say to that, Mr. Sprecher?

MR. SPRECHER: Well, quite apart from Count I where I think it does have some relation, we are here dealing with one of the persons charged under Count 4, and I think the connection is obvious with respect to Count 4.

THE PRESIDENT: In what respect? I'm not so sure, it is obvious to me, and I would be glad to have your views where it fits in under Count 4.

MR. SPRECHER: Count 4 is the SS membership count. The SS is a criminal organization as determined by the IMT.

THE PRESIDENT: Well, just assuming that--then it speaks for itself, doesn't it? He was or was not a member.

MR. SPRECHER: The extent of the punishment for membership --

THE PRESIDENT: Well, that's not your concern. That's a matter of mitigation and it would be for him to show something, not you, wouldn't

it?

MR. SPRECHER: Well, we haven't so understood that. We understood that in the other cases where it's been involved it's being important for the Prosecution to show some of the connections of the defendant and the extent of his participation with other representatives of the criminal organizations, so that Your Honors would have a basis to go on. If we don't, I don't know who will.

THE PRESIDENT: Well, if he thinks that he can show something in mitigation, the burden would be on him to show, wouldn't it? In other words, there's not degrees of aggravation in belonging to the organization. You belong or you don't; and if prima facie that makes it a criminal offense to have belonged, then as to whether or not he can show something in mitigation, would be up to the defendant, it seems to me. You would be anticipating a defense or—

MR. SPRECHER: Well, Your Honor, he's testified that he had no knowledge about a lot of atrocities that were committed by the SS in Auschwitz and other places. We happen to disagree completely with the Tribunal on the point you just stated, but be that as it may we feel that even on the grounds Your Honor has stated that is relevant in connection with Count 4. It's also relevant in connection with Count 3 underneath his general knowledge of what was happening to slave labor. He's already pointed out himself that there was a relationship between the Haupt-Abwehr man and the Haupt-Betriebsfuhrer.

THE PRESIDENT: Dr. Dix?

DR. DIX: May I make a short remark? I should merely like to point out that during the IMT trial the SD, Gestapo, and SS were separated, and that if much is said here about the former connection of Abwehr and the SD, that opens the door for my bringing into evidence proof that the Abwehr was one of those few organizations that offered serious resistance to the Third Reich.

THE PRESIDENT: That's what I'm fearful of here, and that we're

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THE PRESIDENT: That's what I'm fearful of here, and that we're

getting into issues that are quite collateral from the main objective so far as this trial is concerned.

MR. SPRECHER: Well, Mr. President, I've just discussed this matter with Mr. Dubois, and if necessary we'd like to have an opportunity to submit to you a considerable amount of argument on the matter. We are personally not of the opinion that it is an irrelevant matter, merely because it might take some time, although I quite disagree with the observation that has just been made here, apart from the year 1944, when Canaris participated in stated opposition. I believe you admit that, but if there's merit in opposition, the mere fact that it might cause some rebuttal, does really not concern the Prosecution because we think Count 4 is important to establish, and we think that in connection with the direct testimony which this witness gave, which put a tremendous emphasis upon his Abwehr activities in connection with the OKW, but forgot though or somehow slipped over the matters that I'm about to confront him with. But it's very interesting, even on the question of credibility, if we even had to rely on that ground.

THE PRESIDENT: Have counsels stated their respective positions not to the Tribunal? Apparently you have, and the Tribunal is now in recess.

DR. DIX: I ask for a decision. I do not consider it relevant. The SD and the SS are separate organizations. The defendant is only indicted for his membership as a promoting member in the SS.

THE PRESIDENT: May I express my personal appreciation to both of your gentlemen for raising these troublesome questions so near the recess hour? We're in recess.

(A recess was taken)

THE MARSHAL: Persons in the Courtroom will please find their seats.
The Tribunal is again in session.

THE PRESIDENT: Gentlemen, I must confess on behalf of the entire personnel of the Tribunal that we're somewhat lost as to what the precise question is that we were called upon to rule, and I'm going to ask the Prosecutor to restate his question, as directly and as simply as he thinks he can, to save the merit of it so that we know exactly what we're called upon to pass upon here.

MR. SPRECHER: Your Honor, I'm afraid somewhat in the same position now, about twenty minutes after the objection was made.

THE PRESIDENT: State it again or make another effort to approach the subject again, and then give Dr. Dix an opportunity to object if he wishes to.

BY MR. SPRECHER:

Q.- In connection with any reports concerning atrocities in Auschwitz by the SS or any reports about atrocities by other agencies of the Nazi Police State, was it not your duty to see that any such reports were not tolerated among I.G. Farben employees regardless of whether or not they were true?

THE PRESIDENT: Now, just a moment. The Tribunal will sustain an objection to that question on its own motion, for the reason that the question is double and calculated to call for an extended argumentative, explanatory answer on the part of the witness in the box. Please restate your question and make it in the singular so we can get to the merit of the matter for which Dr. Dix is on his feet to object.

BY MR. SPRECHER:

Q.- In the event there were any reports concerning atrocities committed by the SS, the SD, or others —

THE PRESIDENT: Now, Mr. Prosecutor, that's what I had in mind. You've gotten two organizations. Take it step by step. We like to conserve time

but I think we'll save time if you'll just --

MR. STRECHER: Well, I didn't understand you. I thought that those agencies of the Police State should be taken together. I'm sorry I didn't get your point.

BY MR. SPRECHER:

Q.- Wasn't it one of your duties as Chief Abwehr agent to see that any reports concerning the activities of the SS in Auschwitz or other places were not circulated in the plant, regardless of whether or not they were true?

THE PRESIDENT: Do you wish to object to that question, Dr. Dix?

DR. DIX: No, Your Honor, that is an entirely different question than the one to which I objected. I objected to the repeated treatment of Abwehr generally because it had been decided by the IIT that the Abwehr agents were not a criminal organization because of the reasons which I explained. I have no objection against this one question.

THE PRESIDENT: Now, Mr. Defendant, do you have in mind the question the Prosecutor has propounded to you?

THE WITNESS: Yes, Your Honor.

THE PRESIDENT: You may answer.

A.- I did not consider it my duty. I assume that you are now referring to my case, that I was told about these gassing by someone. Is that what you mean? Are you referring to this case?

Q.- Most definitely not! As a specific matter that might be one matter within my question. My question was directed to whether or not you had a duty to stop the circulation of reports concerning the atrocities of the SS, regardless of whether or not they were true and without investigating to find out whether or not they were true.

THE PRESIDENT: Dr. Dix?

DR. DIX: I think I must object now. I must object to this question as being irrelevant. Everyone who has lived in Germany must state that this

duty, according to the legal conception of National Socialism, affected everyone. Everyone had to prevent the spreading of such matters. Well, that is the National Socialist conception; another conception would be the human conception. This is a judgment which cannot be asked of the defendant.

THE PRESIDENT: The objection is overruled. The witness may answer it.

BY MR. SPRECHER:

A.- Atrocity propaganda was made, and by atrocity propaganda I don't mean personal reports. If these reports assumed large proportions then I naturally would have had to take steps in order to stop them.

Q.- Now, Mr. Defendant, I will show you our Document NI-14276, which will become Prosecution Exhibit 1902. This is an extract from a meeting which was held on the 24th of June at Halle, at which you are reported as being present along with other I.G. Farben Abwehr agents, and it's dated the 26th of June 1943, signed by the Abwehr representative Aust (A-u-s-t) from Bitterfeld. I call your attention to Paragraph 2 in which it is mentioned that "Originators and spreaders of false rumors should be persecuted with special severity." And then the next excerpt on page 2: "In order to combat attempts of foreigners to flee from their job, an educational correction camp for workers is said to have been erected in Spergow near Merseburg, which has already shown visible results. There is a lack of guards. The large industrial plants are, therefore, requested to send each a plant guard for this camp."

Do you recall attending this meeting when these two matters were discussed?

A.- That is the very same meeting of which we just spoke earlier.

Q.- Now, did you make any attempt to distinguish between an originator of a false rumor and an originator of a true report when these atrocity matters fell within your jurisdiction?

A.- No, I didn't do that.

Q.- Now, did Leuna send a guard to this special educational or correction camp erected in Spergow near Harseburg?

A.- As far as I remember the Gestapo turned to our factory guard at the time in order that we assign a certain number of guards — I don't remember how many — who were then taken out of the plant and were sent to the Gestapo.

Q.- Did you know Major Kolitz of the SS?

A.- Yes.

Q.- Did you know Colonel Geschke of the SS?

A.- No, I don't remember.

Q.- Did you know Captain Gold of the SS?

A.- Yes, he was present during the meeting.

Q.- Did you know Colonel Dorn of the SS?

A.- I don't remember him.

Q.- I'll show you Document NI-14275, which will become Prosecution Exhibit 1903.

DR. DIX: I ask that the last few questions be struck from the record. These are irrelevant because we see from the record that he must have made the acquaintances of these men. After all, he was present during the meeting.

MR. SPEECHER: Well, I hadn't shown the witness the document in question, at the time I asked the question of it; and in connection with normal procedure of examination I can ask him the questions and then show him a document.

THE PRESIDENT: That objection is overruled. The pertinency of it may be apparent after the Prosecution has pursued the matter and it may not be.

BY MR. SPEECHER:

Q.- Now, is this document — Prosecution Exhibit 1903 — the announcement of the program which you mentioned — the program of the meeting?

you mentioned before, at Halle?

A.- Yes.

Q.- Now, do you ever recall the Defendant von der Heyde saying anything like the following in your presence — and I don't ask you to remember the exact words — I mean the following or the following in substance: "No trip abroad, no stay abroad, no visit from abroad, no report from abroad, no exchange of news or experience with foreign countries, except with the thought whether the Abwehr or one of its foreign branches is interested in it."

A.- That's possible. It's possible that von der Heyde after the first meeting which we probably had with the Abwehr representatives from the OKW that he transmitted these points of the program which I elucidated yesterday.

Q.- Now, you stated that the OKW was not satisfied with your cooperation, or with the cooperation or the assistance of I.G. Farben in connection with Abwehr matters. Who informed you of that from the OKW?

A.- I explained that yesterday. That was clearly expressed by the report of Major Focke which he made to the Vorstand in the year 1944.

Q.- Well, before 1944, do you recall any similar report from any OKW man?

A.- No.

Q.- No. Now, to go to the contrary position, do you recall any report in which the OKW said it was very satisfied with the very valuable assistance of Farben?

A.- Yes, once there a formula of politeness was used. I think that was at the time when Major Bloch went back to the Wehrmacht to go to the front. Then, they sent me, and I think other gentlemen of I.G. also, letters where such expressions were used, but I thought that these letters were merely polite phrases and I didn't take them for fact. I am certain, however, that all these matters were handled in a rather dilatory way and certainly did not have the result which OKW and Abwehr had intended initially.

Q. Well, as early as May 1941 do you recall Admiral Canaris conveying to you through Major Bloch the gratitude of the OKW? If you don't remember just say so.

A. Well, Major Bloch went to the Wehrmacht much later. I don't remember that now.

Q. Do you remember that Major Bloch told you, before the United States and before Russia were involved in the war with Germany, that I. G.'s strongest effort should be in trying to get information from abroad concerning those countries with which Germany was not yet at war, particularly, the United States and the Soviet Union.

A. I don't remember this special instance.

Q. I show you Document NI 14271 which will become Prosecution's Exhibit 1904. For my purposes it will be enough if you just read the cover page which indicates that you sent this report of this meeting of 2 May 1941 with the Abwehr to thirty different places in I.G. Farben and the first page of the actual report that is included. The first two pages. Could you quickly run through that. Down to page 3 of the original. You won't have to go further than page 3 of the original for my purposes.

A. Yes, this is the meeting of which I spoke earlier with the OKW representatives and these are the points which I laid down.

Q. Now, the last document which I want to show you is NI 11075 which will become Prosecution's Exhibit 1505. I won't ask you any questions until you have had a chance to read the excerpts there. Now, Mr. Cooper will show you, Dr. Schneider, paragraph 4 which is at the bottom of page 5 and the top of page 6 of the original, and I have but one question there. I think that maybe marked wrong on the English copy. At least on mine it's indicated as being pages 4 and 5 of the original. Actually it's pages 5 and 6 of the original. But anyway it's paragraph 4. "On view of the information that the Chief of the Security Police, SIPO, and of the Security Service, SD, has appointed Dr. Schneider Political Security Officer for the entire enter-

prise and Dr. von der Heyde similarly as his deputy, the latter lectures on the task of the political security officer as opposed to and in connection with the military security officer." Does that refresh your recollection about the earlier question as to whether or not you were appointed the principal political security officer as well?

DR. HELLMUTH DIX: I would be grateful if Mr. Sprecher would tell me whether this question refers to Count 1 or Count 4. Only then could I substantiate my objection.

MR. SPRECHER: Well, I think it runs under Section G of Count 1 as well as on Count 4, but apart from that I think it's important in weighing the testimony of this witness.

DR. HELLMUTH DIX: With respect to Count 1, in my opinion, the internal political activity is not at all relevant. In connection with Count 4 it has been decided by the judgement of the IMT that the Abwehr agents, all of whom belonged to this SD, were not criminal. As to the personality of the defendant this matter is irrelevant because it is contained in the documents and it then becomes apparent from reading them anyway, and it is not being contested.

MR. SPRECHER: Well, if we can have a stipulation from counsel to that effect, in the way that the prosecution has made stipulations previously, when making a similar objection that all these things mentioned here are true, why we will be quite content to go on.

THE PRESIDENT: I will confess my personal state of confusion, but I was under the impression and I should be happy to be corrected if I am in error, that the witness had admitted his appointment that is referred to here, but he put a different construction upon the purposes or the activities or the responsibilities of the position. Now, if that is true, certainly it would not serve any good purpose to show him this document and ask him, as this question does, whether or not it refreshes his mind that he did have that position.

MR. SPEECHER: Mr. President --

THE PRESIDENT: Now that is all that is before us.

MR. SPEECHER: Mr. President, my own recollection is to the contrary. If you are correct I will certainly put another question.

THE PRESIDENT: Well, I am not wanting to assume the responsibility of saying that I have understood every part of this testimony.

MR. SPEECHER: I think I can find that out by asking a very simple question, or perhaps you would prefer to ask the question, Mr. President.

THE PRESIDENT: I think under the circumstances you had better ask your own question and if you do see fit to withdraw your present question for the time being and ask another it may simplify matters.

MR. SPEECHER: I am afraid this will have to be a question as to what he said before, but under the circumstances I think it's all right.

THE PRESIDENT: That is all right.

BY MR. SPEECHER:

A. Dr. Schneider, didn't you say before that you could not remember that you were appointed by Heydrich, the Chief of the Security Police, and the Security Service, the SIPO and the SM? Didn't you state that?

A. Yes, I said that I could not remember that I was appointed by Heydrich. That is true. But let me go on saying that I did not contest that on the basis of my appointment to CKW Main Abschr Agent, I automatically became the Main Abschr Agent in security police matters. That went hand in hand.

MR. SPEECHER: I withdraw the last question, or rather I will not restate the question. Now, while we are on this document there is one further point. You testified yesterday that you didn't know whether or not you classified Farban's plants as armament plants in connection with prisoners-of-war. The question whether it was direct or indirect armament didn't occur to you as being involved. Now, let me ask you

this. As early as 1940 didn't you have von der Heyde take up the question with the RSHA and the Abwehr as to the political or security — rather the security dangers involved in having foreign laborers in your armament plants?

A. It's possible but I no longer remember it.

Q.- Now, was Colonel Fendel-Sartorius your chief deputy counter-intelligence agent in the Leuna plant?

A.- No.

Q.- What was his position there in connection with Abwehr matters?

A.- The Abwehr agent was Dr. Scheumburg; Fendel-Sartorius was the deputy Abwehr agent.

Q.- Now, when did you say the defendant von der Heyde was drafted into the Army?

A.- I believe that was at the end of 1940, but that did not mean that he was eliminated entirely from the Office A. Occasionally, whenever he had time, he dealt with these questions. He did that in particular to train his successor, Mr. Ruediger.

Q.- Did he still continue to send out letters quite frequently on the stationery of Bureau A, as an official of Bureau A?

A.- What do you mean -- "continue"? From when on?

Q.- After he was in the army.

A.- That is possible. I said that he was working on several problems even afterwards.

Q.- When did his activities in connection with Bureau A terminated, so far as you know?

A.- I think that that was some time in 1941 -- perhaps the middle of 1941.

Q.- Was Leuna considered as a GE Chem plant or as a RHM plant for purposes of raw materials and for labor priorities, and so on?

A.- Leuna was a GE Chem plant.

Q.- Yet it was one of the old plants of Farben, which had existed before the Nazis, is that right?

A.- Yes.

Q.- Why was it classified as a plant under the Krauch office then? Why was that?

A.- You have to know the production conditions of Leuna. Leuna had a few stages of production which fell in the category of the Krauch Plan, but these stages were very hard to separate in Leuna because the production went hand in hand. The gas production was important for three syntheses, and for that reason it was very difficult to bring about a separation of labor in order to have one working for GB Chem and the other for the Economic Group. For this reason the Leuna plant was designated by the GB Chem as a GB Chem plant. Also that becomes apparent from a document which I submitted.

Q.- Did Dr. Krauch make that decision, or did you request him to have Leuna made a GB Chem plant?

How did you learn about it?

A.* It is possible that we discussed it, but I rather think that I was not discussing this matter with Krauch myself, but that it was Dr. Sauer probably.

Q.- All right. Now, when was Leuna placed under the Krauch Plan -- or the Schnoll Plan -- and made a GB Chem plant? Do you know what year?

A.- I can't give you an exact date now.

Q.- Well, it was before the war, was it not?

A.- Yes, I believe so.

Q.- And it was after 1935, or at the end of 1936?

A.- It must have been after 1938 because the GB Chem only existed since 1938.

Q.- Now, how often did you see Krauch, on the average, between 1936 and the early part of 1939 when you were acting as his representative for Sparte One, and when he was principally in Berlin?

A.- I can't give you a figure, but I have visited Krauch almost regularly whenever I had something to do in Berlin. This may have been connected with a matter which I had to discuss with Krauch personally or it could have been connected with other matters. Apart from that, I was a friend of Krauch's, and for purely personal reasons I visited Krauch frequently.

Q.- During that period between 1936 and 1939, which was a type of interregnum until you finally took over complete leadership, did you and Krauch have any disputes as to how Sparte One should be run?

A.- We had various discussions about that because at such a time certain emancipations came about. At the beginning we had difficulties with Mueller-Conradi, who liked to be independent. But I had no basic difficulties with Krauch about this matter. After I became the head of the Sparte, after I became responsible head, I no longer had any difficulties with Mueller-Conradi.

Q.- Did you hold so-called TFA meetings of Sparte One --- so-called Technical Committee meetings of Sparte One-during the period 1936 until 1939 when you acted as chairman of the Sparte meetings?

A.- 1936? Up until when?

Q.- Until you became Sparte chief.

A.- Yes.

Q.- Did you send the minutes of those meetings to Krauch during that period?

A.- That is possible, but I no longer know it for sure.

Q.- During this period of 1936 to 1939, did you notice any great interference or any great amount of regulation with respect to the production of Sparte One by any office of the Third Reich?

A.- Would you please repeat the question? What time did you have in mind? Thirty-six to '39?

Q.- Yes, you are right on the time. Only for that period that I was speaking of?

A.- Yes, with reference to GB Chem matters it was no longer possible to take one's own initiative at the time with respect to production. The direction of production had already started during those years; even as far as research was concerned we were in close connection with GB Chem.

Q.- Yes, is methanol shipped in tank cars just the way synthetic gas

or gasoline would be shipped?

A.- Yes.

Q.- Do you remember that there was a celebration at Auschwitz at which time you celebrated the first tank car of methanol that was being shipped out of Auschwitz?

A.- I was not present, but I believe I saw a photograph.

Q.- Now, I have a very few questions on Count Two proper, which is also part of Count One. With respect to the Aussig-Falkenau plant of Prager Verein, do you recall a conference with representatives of the von Heyden firm in October or November of 1938, when the production and distribution of nitrogen of lime by Prager Verein and the Aussig Falkenau plant was discussed back in the year 1938? Do you recall having made any decisions about the matter?

A.- I personally?

Q.- Yes.

A.- I don't remember it.

Q.- Do you remember any discussions at which you were present when it was decided that the Wirtschaftsgruppe Chemische Industrie — the Economic Group Chemical Industry — was to be asked to take appropriate measures to see that nitrogen of lime production in the remainder of Czechoslovakia — that is not the Sudetenland — would not be undertaken independently by the Czechs, by Prager Verein?

A.- I can't remember having made any decision like that.

Q.- Do you remember being present when such a decision was made by anyone?

A.- I don't remember it, no.

Q.- Well, will you say that it did not happen, or is it just that you don't remember?

A.- It is possible, but I don't know.

Q.- Did you participate in any conferences before 1939 and after 1936.

in other words between 1936 and 1939 -- when there were discussions about limiting the nitrogen production of Germany's neighbors?

Do you get the question?

A.- Yes, one moment. That is also possible, but I don't remember the specific instance.

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Q. I show you Document NI 14274, which will become Prosecution's Exhibit 1906. This is a copy of certain extracts of the meeting between Farben representatives and representatives of the von Heyden firm. On the 4th and 5th of November, 1938, and I ask you to turn to page 3 of the original,--

A. Perhaps to shorten the matter I may ask you one question. Are you referring to the Schneider who is mentioned on that document?

Q. Yes, is that a different Schneider than you?

A. That is not I.

Q. That clears up the matter entirely. Your Honors, since I have identified the document I will request that it be introduced, since it does not have some relation to other persons who are defendants, and I will just save that much time. Is that all right?

THE PRESIDENT: Yes, if you intend to use the document for some other purpose, you had better leave it in evidence.

BY MR. SPRECHER:

Q. Now you testified that you knew of the acquisitions by Farben in occupied countries, because of reports in the Vorstand. Did you mean to limit your knowledge merely to the reports in the Vorstand? Weren't those things also discussed in the TEA as well as some other committees which you attended?

A. It is possible that these matters were discussed in the TEA.

MR. SPRECHER: That concludes our examination.

THE PRESIDENT: Now is there any redirect examination?

This field is quite narrow now, and the Tribunal is hopeful, gentlemen, that you will be able to dispose of this witness before adjournment time, if possible.

RE-DIRECT EXAMINATION

DR. CHRISTIAN SCHNEIDER

BY DR. H. DIX:

Your Honor, I shall try. I certainly hope so.

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Q. I should only like to point out once more that the witness himself, with his testimony, pointed to the political provisions of the Reich Security Main Office, and that he kept back nothing in that regard. Now, Mr. Schneider, at the beginning, didn't the Russians come voluntarily,-- I mean the workers?

A. Yes.

Q. Were you also informed how it was handled with the Poles, or don't you know?

A. Well, I don't know anything for certain, but I assume that the Poles too came voluntarily. For instance, on my estate, I employed Poles of whom I do know that they came voluntarily.

Q. Now I wanted to ask you about these regulations, - about compulsory labor in Poland.. They were never published in Germany, were they?

A. Well, I really cannot say that. I don't know.

Q. Well did you ever read such regulations in a published form or didn't your associates in charge of social welfare matters report to you on these regulations?

A. Well, such matters never came to me personally. They were handled in the various departments which were interested; sometimes in the legal department, sometimes in the personnel department. These matters were processed there, and whenever they were important and referred to the plants generally, reports were made to me.

Q. I see. Now I should like to submit some of our documents to you, but Your Honors, unfortunately the document book has not been completed. It is Document Book 5, but perhaps we can try it without the book. You said that you were responsible for the building of the barracks. That is quite true, but do you remember about the detailed regulations which were set up by the State in that regard?

A. Of course, you could hardly say that I was responsible for the building of the barracks. I was responsible for the program which was submitted, and it was my duty to investigate whether that program was

proper. I had to investigate whether the barracks were too expensive, or too cheap, and the certain exchange of experience had to take place, but the building of the barracks, as such, was tied down by regulations.

Q. I shall read the document later which substantiates this testimony. Now, you went on to say that the gentlemen of the Vorstand who were commercial experts and legal experts, knew very little about the building of the barracks. What was the reason?

A. I didn't understand your question.

Q. You said that in the Vorstand, the questions of later allocation, in particular the building of barracks for concentration camp inmates, were not reported on in detail. Now would you briefly state why that was so?

A. The reason is that in the TEA Dr. Struss had submitted a general compilation which he posted on the Board about the various credits which were issued and which were subdivided according to three Sparten. One item was building of barracks, and then so and so many millions. These matters were subdivided when they were submitted to the TEA, to the various barracks, but not in great detail. It was briefly stated for so and so many employees, so and so many barracks to be procured.

As far as I remember, Dr. ter Meer in the Vorstand said in summary that for the building of barracks, a sum amounting to such and such a figure had been allocated, but the details were not discussed.

Q. Well, I did not mean that. What I meant was this. Did the other gentlemen of the Vorstand understand anything about these matters? I mean the gentlemen who were not in TEA did they understand other matters on the agenda to be discussed. That was the import of my question.

A. Well, generally, everybody could understand what building of barracks means.

Q. Now with respect to Lautenschlaeger's affidavit, I should like to ask you briefly whether the questions regarding the food questions, penal measures, etc, were settled, or was there any independent answer possible

by the Plant Managers?

A. I have already mentioned before that these specific points which you mentioned were matters for the Plants themselves, and they were settled internally. There was no reason in the same way as in the case of all other measures, of other social measures by the Government, that special regulations were to be issued.

Q. In addition the state had laid down exact regulations as to the handling of these matters?

A. Certainly.

Q. Now in supplementation, would you like to say something as to why and because of what difficulties, the building of schools was not carried out?

A. As the war went on it became very difficult to undertake any building projects of this kind. There was scarcity of materials; there was a shortage of labor, etc.

Q. But would you have had teachers?

A. That perhaps may have been possible, but I have explained that one did not need any schools, if only a few children are there. It is quite easy to take a few barracks and furnish a few rooms and install a kindergarten or a school.

Q. With respect to the employment of children, I want to ask you the following. What were the conditions at the Leuna plant, apart from the danger of explosion at the plant itself? What were the general conditions at the plant, - the sanitary and medical conditions?

A. The medical conditions were absolutely beyond reproach.

Q. I even heard they were very favorable in chemical industry, mechanized industry; is that true?

A. That is quite true.

Q. And now I want to ask you some questions about the documents, and I am now turning to Count II. In those letters about the French workers. This is NI-1048. You ask for information in what French firms Farben was interested, and what firms could come into consideration for any

workers. Did you know the firms with whom Farben cooperated, or do you no longer remember them?

A. Well, I did not know them personally.

Q. With regard to these workers, I wanted to ask you whether the activity to procure workers, whether the activity was designed toward voluntary recruitment, or was it different?

A. The recruitment was absolutely voluntary.

A. And how about later when compulsion started, and you were still active for the G. B. Chem? Would you have been able to withdraw these men from the G.B. Chem because you had been included into the G.B. Chem in an advisory capacity?

A. These workers were not actually included in the forced labor program, the forced labor program had actually nothing to do with them. That had all been legally settled.

Q. The aim of such activity, in the final analysis, was designed to support the interest of your plant and the interest of the workers?

A. That is true.

Q. Dr. Schaumburg is mentioned as one of the few people who were invited after your name at one of the meetings of the Gestapo. That's exhibit 1901. Was he the *Abwehr* Beauftragter, the Schaumburg who was persecuted by the Gestapo who was then arrested?

A. Yes, that's the same one.

Q. He was then the guest of the Gestapo at Halle?

A. Yes.

Q. You said that you had to report anyone who was carrying on atrocity propaganda, that is, anyone who was spreading unfavorable reports. Did you on your own initiative, at any time make such a report unless you were forced to do so because of the situation prevailing at the plant, because an SD man knew about it?

A. From my own initiative I never made any such reports. I only did that whenever a matter was submitted to me and when there was no possibility to do anything about it. I could prove and have proven that in many cases we actually avoided making reports but it wasn't always very easy, because the SD, after all, had its own informers at the plant and one had to use extreme precaution and it was very dangerous to violate any measures taken by the Gestapo. As I have already testified, I had been warned repeatedly by the Gestapo at Halle because they were of the opinion that we didn't make sufficient reports of this kind and that we kept too many things to ourselves.

Q. Then you mentioned that you had to go to the Gestapo at Halle. In exhibit 1902 a sentence is found, "Participation is one of the duties of the *Abwehrbeauftragten*." Is that the passage to which you referred?

A. Yes.

Q. Do you perhaps remember, Mr. Schneider, that even in newspapers every German was generally requested to report people who were spreading atrocity propaganda and that that was nothing unusual for you to do as an *Abwehrbeauftragten*?

A. Well, so much was written in newspapers I really can't remember

the details.

Q. I am now turning to this letter regarding the special detail (Sonderkommando) which worked at Leuna upon the request of the technical head. Wasn't there a regulation that every slacker had to be reported to the authorities?

A. Yes, but I can't say whether this regulation had already existed in the severe form in which it appeared later. I believe that workers who were sent to such a special detail were perhaps better off than if we had reported them to the Gestapo. The Gestapo actually was not at all in agreement with the special details which were instituted by the plants themselves and where the workers were treated in a more humane way.

Q. Well, finally such special details were prohibited by the Gestapo?

A. I don't know whether or not they were prohibited by the Gestapo. I think we dissolved them ourselves.

DR. H. DIX: Well, I have no further questions.

THE PRESIDENT: Any further questioning?

DR. KOESSL: Representing Dr. Hoffmann speaking on behalf of von der Heyde. I will be grateful to the Tribunal if you would permit Dr. Hoffmann to put his questions at the next session because he is on an urgent trip now.

THE PRESIDENT: Are there any other members of the staff who desire to interrogate this witness? We are almost to the adjournment time. Do you have some questions, Dr. Silcher? Then we will wait until Tuesday. Will Dr. Hoffmann be here Tuesday?

DR. KOESSL: Certainly. Yes.

THE PRESIDENT: All right.

REDIRECT EXAMINATION

BY DR. SILCHER:

Q. Dr. Schneider, when cross examined by Mr. Sprecher you replied to a question with respect to Chemnyco in the affirmative. It was the

first question which Mr. Sprecher had put to you. Did you particularly have dealings with Chemnyco?

A. No.

Q. Were you informed about Chemnyco's tasks in the U.S.A.?

A. Do you mean through this report which was submitted by the prosecution as a document? That is the only document of Chemnyco where my name is mentioned. I can't tell you offhand what document it is.

Q. I think we all know it. But apart from that you had nothing to do with it?

A. No.

DR. SILCHER: Thank you very much.

THE PRESIDENT: Now, are there any further questions of this witness except the ones that Dr. Hoffmann desires to ask? Then we will postpone further interrogation of the witness until the next session at which time we will permit Dr. Hoffmann to ask his own questions. I remind you, gentlemen, that we have already observed that next Monday is a legal holiday and that the Tribunal feels obligated to observe it on account of the American personnel here who are entitled to it under our laws. There will be no session on Monday. Are there any announcements that anyone has to make?

JUDGE HERBERT: Dr. Dix, may I see you for just a moment in my office after Court adjourns?

THE PRESIDENT: The Tribunal will now recess until Tuesday morning at 9:30.

(Whereupon the Tribunal adjourned to 24 February 1948 at 0930 hours.)

1948
24 Feb 48 JP-2-1-Schneider (Int. von Schon)
Court VI Case VI

Official transcript of Military Tribunal VI,
Case VI, in the matter of the United States of
America against Carl Krauch, et al, defendants,
sitting at Nurnberg, Germany, on 24 February,
1948, 0945, Justice Shabo presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.
Military Tribunal VI is now in session. God save the United States of
America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: You may report, Mr. Marshal.

THE MARSHAL: May it please your Honors, the defendants Krauch and
Raefliger are absent from the courtroom.

THE PRESIDENT: The defendants Krauch and Raefliger have been excused
today on the application of their counsel.

Are there any preliminary announcements from the Defense?

Has the Prosecution anything to say?

Before we resume the testimony, Judge Robert has something to say to
counsel.

JUDGE HERBERT: Several weeks ago we had a committee from Defense
Counsel, which was headed by Dr. Boettcher, call on the judges in chambers
to discuss certain matters pertaining to the schedule. As I recall it,
that committee was composed of Dr. Boettcher, Dr. Walte, Dr. Hoffmann,
Dr. Berndt, and Dr. von Metzler; I may have forgotten one of the Defense
counsel present at that meeting.

The Tribunal would like very much this afternoon at four-thirty
immediately after the session to confer with you, Dr. Boettcher and the
members of that committee. In the event that they are not available
would you please select other representative attorneys from the Defense,
as we have certain procedural matters in relation to the schedule which
we would like to talk over with them at this time. That would be at four-
thirty this afternoon.

THE PRESIDENT: Counsel may resume the examination of the defendant
Schneider.

CHRISTIAN SCHNEIDER (Continued)

DIRECT EXAMINATION, Resumed.

BY DR. HOFFMANN (Counsel for defendant von der Heyde):

Q. Dr. Schneider, how long, in your opinion, was von der Heyde head of the Commercial Sector of Office A?

A. Until he was called up for the Wehrmacht.

Q. If I put to you that this was on the 5th of September, 1940, that he was drafted, would you say that he ceased to be head of this committee at that time?

A. Yes.

Q. During your examination you mentioned that von der Heyde occasionally after he was drafted worked in Office A by way of helping out, if I understood you correctly. Can you give me any details about what you meant by that?

A. When von der Heyde was drafted into the Wehrmacht we agreed that if it was possible, and he had the time, he would come to Office A occasionally to help explain the work to his successor, Dr. Ruediger.

Q. Did that happen frequently, or only a few times? And how long did it take until his successor was used to the work?

A. I cannot say that exactly. I was not in Berlin. I assume it was not very frequent; otherwise I would have noticed something about it.

Q Witness, you also mentioned the name von der Heyde in connection with foreign workers and the Prosecution asked you something which you were not able to remember. It was whether you ever talked to von der Heyde about this at any time. I should like to ask you again, - you said you do not know; was it possible, - was it within the realm of possibility that you could have discussed foreign labor questions with von der Heyde?

A That was very unlikely. Von der Heyde was in the Commercial Sector and he had nothing to do with the question of foreign labor.

Q Then I have another question, witness.

Last Friday you talked about the use of Farben employees in recruiting foreign labor. Can you describe exactly how this employment of Farben people for this purpose came about?

A I thought that not only last Friday, but also in the direct examination, I had explained this question rather thoroughly.

MR. SPRECHER: Mr. President, we object to the question too for the reason that the defendant himself has said. I realize that Dr. Hoffmann was not here personally during this examination, but he is asking a very broad question. I do not see its direct connection to the defendant von der Heyde, and I do think that the ground has been pretty well gone over.

DR. HOFFMANN: Mr. President, we could just as well have said that I asked this question also from Dr. Ambros. I merely omitted to do so. Actually this question applies to Dr. Ambros, and the fact that I had to look up the record and ask this question again, is that it has a certain weight for my case.

THE PRESIDENT: Very well, the objection will be overruled.

(The witness) A Then perhaps I may make the answer to this question brief,

BY DR. HOFFMANN:

Q Please do.

A German industry, including I. G. Farbenindustrie, with respect

to their production and construction of new plants during the war had definite government orders, and dates at which they had to be filled. The plants required a certain number of workers in order to fulfill these orders. Their requirements in labor had to be reported to the Labor offices, and the Labor offices had to supply the workers.

At the beginning of the war, many Farben plants, because of the Four-Year Plan, orders for example, had a large requirement of workers which was not filled. I mention for example, Leuna, where there was a lack of about 1000 men at that time. By supplying workers this plant which had been closed down, or by putting women to work, the Labor Offices at first were more or less able to fill them. But this soon stopped, and so it came about that there was increased recruiting of foreign workers by the Reich Labor Ministry, and later by the Plenipotentiary General for Labor Commitment.

In the course of time the Labor Offices were more and more eliminated as far as supplying workers directly was concerned. They passed on the requests of the plants to the Central offices, which in turn had the G.B. Chem or the Economic Group determine the priority, and then, on the basis of this priority they set up certain quotas for the plants.

The Labor Commitment Officers abroad now had the task on the basis of these quotas of assigning workers to the plant.

Q Witness, will you please tell us about the role of Farben representatives abroad?

A I am just coming to that. These workers were definitely not always supplied in the numbers necessary, but there was another factor too in the beginning. A large number of unsuitable and sick people were sent to the plants so that Gebechem found it necessary to intervene, and he asked several Farben plants to make suitable personnel available to help the labor authorities abroad in the selection of suitable workers. In addition, as Dr. Krauch has already testified, these representatives concluded contracts with firms, but all this was in agreement with the Labor offices abroad, and in the beginning it was

on a completely voluntary basis, but I am not finished yet.

Q Go ahead.

A But even after labor conscription was introduced these people were still necessary because the problem had not changed. The work of these employees was not recruiting in the real sense of the word, but as I have said, they were certain expert advisers, and this was only to fill the requirement of the plants so that these plants would be able to work and fill their government orders.

THE PRESIDENT: Is there any further examination on behalf of the defendants?

If not, does the Prosecution desire to cross-examine?

MR. SPEECHER: No re-cross examination.

THE PRESIDENT: Then the witness is excused from further testifying.

Dr. Dix, you may resume.

DR. HELLMUTH DIX: (Counsel for the defendant Schneider) I should like to call the witness Giessen to the witness stand. He is outside.

THE PRESIDENT: Bring in the witness.

Mr. Witness will you please remain standing for the purpose of being sworn? Raise your right hand, say "I" and state your name for the record.

THE WITNESS: I, Dr. Johann Giessen.

Q Repeat this oath after me.

And now, I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

THE PRESIDENT: You may be seated.

MR. JOHANN GIESSEN, a witness took the stand and testified as follows:

DIRECT EXAMINATION

DR. JOHANN GIESSENS

BY DR. HELLMUTH DIX:

Q Mr. Giessens, where do you live at present?

A A.M. Ruetgen, 32 Uerdingen.

Q That is your activity at present?

A I am a member of the former Farben Plant, the Dyestuffs Plant at Uerdingen.

Q Were you at the Methanol factory?

MR. SPRECHER: Mr. President, there is some mechanical failure.

THE COURT: We will suspend for a moment until we have the signal.

DR. DIX: Is it necessary to repeat the other questions?

THE PRESIDENT: I think it would be better if you did, because I am not sure whether it is on the record.

DR. DIX: Then we will have to start from the beginning.

Q Where you live now?

A Crefeld, Uerdingen, Am Ruetgen 32.

Q And your activity now?

A Manager of the Ruetgen Plant of the dyestuffs factory Bayer a former Farben plant.

Q I now come to your former work at Leuna. That is where we had stopped.

A First of all, I was manager of the Methanol Plant at Leuna about 1930. I was given the assignment on the basis of the organic raw materials at Leuna to work out new processes, or to adapt them to large scale production. This work took up all of my time until the war started and during the war I was head of this organic department too.

During the war the G.B. Chem. Professor Krauch, gave me the assignment to work on the Methanol Iso-Octane plants, to supervise these plants in Germany.

Q Now please, by way of introduction, comment briefly on Schneider's personality.

A When I came to Leuna Dr. Schneider was in charge of the Nitrogen Department. Later he became technical head of Leuna, and after Dr. Dehnell's predecessor left, he took over the management of the Plant.

Later Farben turned over all social welfare matters of Farben to him, so that we technical men, unfortunately, had his assistance only to a very slight extent.

Q What was Schneider's attitude on personnel questions?

A As Plant leader of the Ammonia factory, Schneider was known and very popular among his men because of his attitude on social questions. That was important when the Communist disturbances occurred in Central Germany, and the employees had to be firmly behind the manager.

Schneider had succeeded in this because the people knew that he was extremely just, and that he considered people only on the basis of their ability, their attitude toward their work, and their social attitude in general.

Q What was Schneider's attitude towards National Socialism when National Socialism came to power?

A I believe that Schneider joined the Party only 1937. Up to that time, of the leading men of the Leuna Plant, none had been in the Party. Why Dr. Schneider joined, I do not know, of course, but all of us assumed that it was not for any reason of personal interest, but in the interest of the Plant of which he was in charge. The attitude of most of the leading men was against National Socialism. It was clear, however, that if the management had continued to show this attitude towards the outside world, many things would have been much more difficult, especially after the party came to power, more and more, and tried through the German labor front, to spread its ideas and its practices in the plant.

The plants did not stand for this because they were able to object, because Dr. Schneider always protected them, which he was able to do better as a Party member than if he had not been one.

Q In this connection can you briefly speak about the Department Chiefs, --- who were they?

A The Plant ---

Q I am speaking of the Political aspect, not the organization, but just politically.

A I said that up to 1937 not a single one of the Department Chiefs were in the Party. After 1937, until the end, of the eight principal departments, there were only three.

Q Then I wanted to ask about Dr. Dehnel's attitude; that is Schneider's predecessor, but only very briefly; just a few words.

A We esteemed Dr. Dehnel very highly. He was a man of the old school, and he was doubtless opposed to National Socialism. When it became fashionable to hang some pictures in the rooms, Dr. Dehnel put up the bust of Hindenburg.

Q In connection with a Prosecution Document Book, 10, Exhibit 250, we are interested in the personality of a Mr. Rather at Leuna; do you know anything about him?

A Mr. Rather was in the office of Dr. Dehnel, and later he worked under Dr. Buetefisch. I saw very little of him and I did not hear anything about him. A few weeks ago, he wrote to me saying that he would like to testify here at Nurnberg, and that he would like to work for me at Urdingen. Since I did not know him I inquired of other people and I heard a very bad opinion about him.

MR. SPEECHER: It is Exhibit 258, Mr. President, not 250.

THE PRESIDENT: All right. You mean the Prosecution's Document 258 in the Prosecution's Book 10?

DR. DIX: Yes.

THE PRESIDENT: Thank you.

BY DR. DIX:

Q Do you know anything about the connections between Dr. Schneider and the SS?

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Q In connection with a Prosecution Document Book, 10, Exhibit 250, we are interested in the personality of a Mr. Ruther at Leuna; do you know anything about him?

A Mr. Ruther was in the office of Dr. Dehnel, and later he worked under Dr. Bueteufisch. I saw very little of him and I did not hear anything about him. A few weeks ago, he wrote to me saying that he would like to testify here at Nurnberg, and that he would like to work for me at Uerdingen. Since I did not know him I inquired of other people and I heard a very bad opinion about him.

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THE PRESIDENT: All right. You mean the Prosecution's Document 258 in the Prosecution's Book 10?

DR. DIX: Yes.

THE PRESIDENT: Thank you.

BY DR. DIX:

Q Do you know anything about the connections between Dr. Schneider and the SS?

A No. I know nothing about that.

Q And nothing about any sponsoring membership?

A No, I know nothing about that, and I know nothing about it.

Q Perhaps you can speak very briefly about the relationship between Leuna and the important men of the Party, -- visits and so forth.

A For the reasons which I have just given, Leuna was not in great favor with the Party. That was expressed very well, in my opinion, by the fact that not a single leading member of the Party was ever at Leuna for a visit with the exception of Robert Ley, who, however, avoided talking to the management. He only spoke to a special group of workers,

Q And in this connection it is not doubt important to mention the size of the Leuna plant just in proportion to other plants.

A Leuna was probably one of the biggest plants of the Chemical Industry in Germany. There were about 30,000 people working there.

Q I now come to Count I of the Indictment which you know, in general. That is the question of preparation for aggressive war. Please speak briefly about Schneider's attitude on military things.

A Schneider's attitude was like the attitude of all of the other leading men at Leuna, that is, definitely opposed to war. We, and Dr. Schneider, did not expect anything to come of war. We at Leuna had to participate in the developments brought about by the war, of course, but we were driven quite far away from our peacetime production and our intentions. Consequently, our attitude had always been against war, and I believe I can say that of Dr. Schneider as well.

Q Now will you please speak briefly about the character of Leuna as to production in respect to a war?

A The production of the Leuna plant was above all ammonia, gasoline, methanol and higher alcohols, and fertilizer, which was essentially nitrogen. Products which are produced in large quantities everywhere in the world by the same processes. They had originally nothing whatever to do with war. In total warfare, of course, all production has significance and so it was, too, with the products of Leuna. Up to the beginning of the war, during the war, it was a matter of course that with the development of war techniques that is aviation, new weapons, we had new problems which had to be solved.

Also there were new problems arising from the winter campaigns in the East where there were very low temperatures, and material difficulties, and this characterized developments during the war.

Q The Prosecution submitted that upon the outbreak of war, or shortly before, that in connection with mobilization measures, Dr. Schneider made an order, or should I say, a patriotic speech, to the department chiefs, including words, "This is war". I wanted to ask you whether you remember anything like this? You were a Department Chief.

A. I must say I cannot remember. It is possible that I was not present. But if such a speech had been made I am sure it would have been discussed. As to the words "this is war" -- well, it was war, after all.

Q. Now, I come to the problem of labor in wartime. I would like you to speak generally about this problem-- that is the lack of labor and what you know about the way in which this scarcity was done away with as far as possible.

A. At the beginning of the war a number of young people were drafted. It was, of course, not pleasant for us to have to get along without these people because they were trained workers. Consequently we declared a number of people indispensable. In the beginning of the war this was fairly easy. The losses were not too high. But even this slight loss of manpower meant that we had to find substitutes. As far as I recall we had first of all Germans from other parts of Germany who, because of the labor conscription law, were assigned to Leuna. Later, because of the losses in the field, considerably greater numbers of German workers were called up and first of all so-called Ethnic Germans came from Czechoslovakia, from the Balkans, and very soon after the campaign in France voluntary French civilians came. I believe there had been an agreement between the Vichy government and the German government and on the basis of this agreement these people came voluntarily in exchange for prisoners-of-war. Later people came from Belgium, Holland,-- only a few though -- and finally at the end, Ukrainians. The attitude of the departments and the plants, as you can perhaps imagine, was absolutely opposed to the employment of foreigners because, first of all there would be language difficulties we feared, and because these were untrained workers, some of them had never even seen a machine. Finally because, with some justification, we feared sabotage. But that did not help. The plants had to accept these people. After all we did have orders regarding the amount of production and this production could only be achieved by more or less full employment. The

Labor Offices did not give us any other people and consequently we had to manage with these people and try to keep production up,

Q. Did you have people in your department, foreigners, who were conscripted and from what time on?

A. Yes, from 1943 on we had such people just as all other plants did.

Q. What did you think, Dr. Giesson, about this?

A. About what?

Q. About this compulsory labor, or did you think about it at all?

A. The compulsory labor of Germans was unpleasant and I am sure the people did not like to leave their old place of work and come to Central Germany and live in barracks. But that was the law and there was a war going on. That people from the Balkans and other places were also conscripted and that they did not like it either, that seemed a matter of course to us. We drew the conclusions from that. We knew that the tempo was not good and we needed more of these people than we would have needed formerly. But we knew that they were conscripted and there was nothing more to be said about it.

Q. Did any of the leading men who, to a large extent were anti-Nazi, did it occur to any of them that you, as the managers, would be liable criminally?

A. No, never.

Q. You spoke of sabotage. Was there actually any sabotage at all? Was there any sabotage to any large extent?

A. No, not at all. During the whole war we did not have a single case which could be proved to be sabotage, although it would have been very simple.

Q. And how do you explain that?

A. Well, after all the people knew there was a war going on, and since they were not suffering especially and were not being mistreated,

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Q. And how do you explain that?

A. Well, after all the people knew there was a war going on, and since they were not suffering especially and were not being mistreated,

had only the usual working hours, there was no reason for these people to commit sabotage.

Q. You said it would have been very easy.

A. Yes, it would, extremely easy. You must not forget that during the war it was absolutely dark at night. We made an experiment once to have several people bring packages into a plant which could have been considered explosives and they were all brought in. Nobody noticed anything. It would have been very easy.

Q. You have made a few remarks -- have you anything to add about the treatment of the foreign workers, especially regarding Dr. Schneider himself?

A. The main concern with all our foreign conscripted workers was housing. That was extremely difficult. First of all it was done in hotels and dance halls and so forth. But later they were much more numerous and we had to build barracks near the plant and in the villages and towns in the neighborhood and the workers were housed there. I believe these barracks were the type developed by the German Labor Front before the war and they were very good. They were roomy, they had day rooms, some had libraries, play rooms. The kitchens were very good, and at Louna we had special cooks for the different foreigners -- cooks from their own countries. For example they know how to cook macaroni and so forth so that the people would feel more or less at home. It was considered important that all the workers be treated equally, foreigners as well as Germans. They were to work next to each other and later they did so. Consequently, the output had to be equalized and in general that was the case, so that up to the time when the shelters were bombed, the people could live quite well and were actually quite satisfied. The food was extremely good. In the camps they had the so-called camp food which was more than the normal consumer got in Germany.

Q. But there were distinctions made among the foreigners.

A. Yes, but only with the Eastern workers. The Eastern workers

had to work under special conditions. As I said before, the work was essentially the same as that of all the others. They were also living in barracks, but the wages, the payment of wages was different. They were given only very little cash. Part of their wages had to be paid into some special account. I don't know what happened to this money. The food for the

Eastern workers was of worse quality. I believe they got horsemeat and a special number of calories -- I don't know exactly. But I know very well that at a conference of department chiefs we spoke about the matter, and Dr. Schneider gave very clear instructions to the person in charge of the matter to see to it that these Eastern workers got better food and that this matter to see to it that this matter of payment was to be improved. These orders were followed and I can remember that on another occasion Dr. Schneider inquired about it and was told that there had been an improvement and I believe that at the end of the war the payment was arranged differently too.

Q. You mentioned the air raids which changed conditions and made them worse. Can you give any times and extent of these raids and also tell us about the measures taken in order to reduce the consequences.

A. The main raids were about the middle of 1944 on. They were extremely violent. I have already said quite a number of these camps for the workers were very near the plant. Consequently a number of these camps were destroyed. The people had to move on with the others just as the German population did. From then on until the end of the war they were never housed as well as they had been. The kitchens were destroyed too in air raids. The steam heat, the electricity supply was interrupted. It was a question that was always coming up. The first question was, had the camps been taken care of. Do they have heat, electricity, food. That was the first thing that was done before the plant was repaired. It was on the express orders of Dr. Schneider that the camps were always repaired first.

Q. Then the Germans as well as the foreign workers had transportation problems that is the transportation to and from work made more

difficult because of the air raids? Can you tell us about the measures taken there?

A. Yes. Depending on the severity of the raid or the seriousness of the damage, the transportation with other towns, both trains and road connections, were interrupted. Everything was done immediately to take care of this. The foreign workers came on the train just like the German workers. As far as they lived near the plant they had to walk. The ones who were farther away were picked up in busses, that is only the foreign workers, a measure which I did not quite understand, which led to great difficulties and complaints from the German workers. But nevertheless the foreigners were picked up with busses. We tried to make everything easier for them that was possible during this difficult time.

Q. Do you know anything about mistreatment of foreign workers?

A. I know of not a single such case. Once, on some occasion or other, Dr. Schneider very generally prohibited it and every department chief and plant leader prohibited it, and I do not believe that very much happened. With 30,000 employees it is almost a matter of course that something will happen, but it was not reported to us. It would have been reported to us though because the prohibitions were very clear.

Q Did you know that foreigners were denounced to the Gestapo by the management because of shirking or some other offenses?

A I cannot answer this in general, but from my department no one was reported. There were four to five thousand people in it.

Q Mr. Schneider has said that toward the end of the war children were employed to a certain extent. Do you know anything about that?

A No, I don't. The Ukrainians came with their whole families -- not only the man or the woman, but children too -- and there were quite a number of adolescent children, twelve or fourteen years old. I can remember one single case when a boy who was perhaps fourteen years old, a little fellow, was used as a messenger boy. He grew round and fat, because everybody liked him very much and always gave things to him, but in general I can't tell you anything about it. In our department no children were employed.

Q I now come to the employment of prisoners-of-war. Were any prisoners of war employed by you?

A In my production plant there were no prisoners-of-war, but certain locksmith's and toolmaker's shops and so forth.

Q You know the rule that prisoners-of-war were to be used only to a certain extent. Do you know, what was done and what was said in Leuna.

A When the first prisoners of war were to come and this matter was discussed, I talked to my colleague, Dr. von Staden, and I said, "Tell me, is that really permissible. We are producing all kinds of things at Leuna and after all there is a total war and everything is being used for war. Will we employ prisoners of war or not?" Well, we are not lawyers, and not experts on international law, and we finally decided we would have to go to the Wehrmacht officials, these Stalag officers. We would have to have confidence in them that they were not giving us people for plants where it was forbidden, because we have to tell these officers the people are to work in such and such

a plant and they say "What is produced there" and then a decision was made that they would be put there or they would not.

Q In your department, aviation lubricant oil and iso-octane was produced?

A Yes.

Q That has a direct connection with the war?

A No, there were no prisoners-of-war and no foreigners working in there.

Q I have one question. You had some secret production in this plant?

A Yes.

Q How about the information which Dr. Schneider, the plant leader, had about this matter?

A There were two different matters. First there were secret plants. The documents connected with them had a stamp on them that they may not violate paragraph 88. These were secret plants, but one could discuss them with the people in charge and the management and so forth. There were other things which were called "Top Secret" and these were more dangerous. Only the man actually in charge was supposed to know about that and this was observed, at least officially. Whether one or another man told Dr. Schneider in confidence we are doing this or that I don't know.

Q But at any rate Dr. Schneider could never have said outwardly, "I know this."

A No, he was not supposed to know it.

Q Now, how were the prisoners-of-war as workers?

A Prisoners-of-war and soldiers in general don't like to work, and the prisoners-of-war that we had at Leuna were no exception. But I must say that the French prisoners-of-work behaved in a very excellent way in air raids. Not only did they help put out fires but they risked their own lives to save other people and behaved very well in every respect.

Q I now come to Auschwitz. What did you, Dr. Giessen, have to do with Auschwitz. Did you visit it and how often?

A As I have already said in the beginning, the G.B. Chem. had appointed me to take care of the methanol and iso-octane plants in Germany. Since there were to be both at Auschwitz and they actually were built there later, I supervised Auschwitz too. After the death of Dr. von Staden I was the one who supervised the establishment of the factories at Auschwitz which we wanted to undertake from Leuna. Consequently I was there very often.

Q And you no doubt observed the concentration camp inmates there?

A Yes, of course.

Q And what impression did you get?

A Well, in the beginning we have to make a distinction. When I got there -- that was in 1942 approximately -- when I was there frequently, a large part of the prisoners looked very bad. At the end of the war, let us say at the end of 1944 when I was there last, the prisoners looked entirely different. The ones who were in Auschwitz regularly, it was quite obvious that the appearance and the work of these prisoners had improved enormously in this time.

Q Did you know Camp Monowitz?

A Yes, I went past it twice. I know where it was.

Q Yes. At the beginning of construction work of the plant site, the prisoners came from the big camp at Auschwitz which was fairly far away -- seven or eight or maybe ten kilometers -- I don't know exactly. The people had to walk both ways because there was no transportation and then they had to work too. That is not right, not good under normal circumstances, and there it certainly wasn't nice. Later, there was a train connection and then it was better. But for work at the plant site there was one thing that was unpleasant. That was that there were not always the same people, and so the people in charge of construction at Auschwitz tried to get the people nearer to

the plant. First of all so that they wouldn't be tired when they got to work, but also so that they would be able to work with the same people all the time -- so that they would have the same man on the same job every day, and also because due to the lack of workers there they had to see to it that there were skilled workers trained. That was why they wanted to have the workers put near the plant. The Camp Monowitz was not originally built for that purpose. It was built originally for German or other employees. It made a very good impression and I believe that the barracks were built according to the specifications of the German Labor Front.

Q You mentioned that conditions improved very much in the course of years.

A Yes.

Q Do you think that that has any connection with Monowitz or some other reason?

A Certainly it is connected with Monowitz, but also with the fact that the people in charge of the plant managed to get food for these men. Originally they were fed only in the camp which was under the control of the SS and they got some SS or camp food. Auschwitz was the best fed plant during the war. We tried, with some success, to have a meal cooked for the prisoners which would not only taste good but would be good in quantity and they were given soup which was not bad, even if it was not as good as everything else. Whether what was brought into the camp actually reached the prisoners I don't know, and the people in charge of construction at Auschwitz did not know that either because no outsider was let into the camp.

Q Well, that must have occurred to a certain extent, otherwise conditions would not have improved.

A Certainly there is no doubt developments were just as would be achieved today too if one gave the German people more to eat and I recall very well that at the end of the war in the low pressure plant at Auschwitz, a group of five or eight people were set up -- I

believe Mr. von Lom did this -- who moved a pipeline. This is work which requires certain strength and requires good cooperation. I must say I was very much astonished at the short time in which this overhead pipe was built and built properly. These people apparently enjoyed their work.

THE PRESIDENT: Counsel, we shall now take our recess.

THE MARSHAL: The Tribunal is again in session.

DR. HOFMANN (for the defendant Ambros): Mr. President, I ask that the defendant Dr. Ambros be excused this afternoon and tomorrow morning from attending sessions in order to prepare his testimony.

THE PRESIDENT: Very well. That request is granted.

BY DR. DIX: (for Schneider)

Q I wanted to ask you, Dr. Giesson to talk about the speed of work of the inmates that you have observed.

A The tempo of work was not good. It was much slower than what one was ordinarily accustomed to; however, during the last stages of the war it improved, but it could not be compared with normal rate of work.

Q Did you on your part observe that the defendants were pushed to work? A No, one cannot say that. They were not kept to working during the last time. The Capos, or such people, may have done so in the beginning, but generally, one cannot say that they were driven to work — certainly not on the construction site.

Q Didn't you observe one case during the winter?

A Yes, one day I remember it was severely cold and practically nobody worked. German as well as foreign workers and the inmates were standing around fires of wood or coke and warmed themselves. There was hardly any work done, but nobody forced these people to work on this day.

Q Do you know anything about the crematorium of the Auschwitz Concentration Camp?

A I was never inside the Auschwitz Concentration Camp and as a result I do not know whether there was a crematorium in the concentration camp. I didn't hear that there was such a crematorium.

Q Did you at any time observe anything about a special odor in the air when you visited these places — an odor that was repeatedly mentioned by the inmates.

A I don't know what the inmates here said, but I remember one

day when I arrived in the Auschwitz railroad station — and that is not far away from the concentration camp — I remarked that there was a sweetish odor in the air. I asked somebody — I believe it was the chauffeur who had called for me or someone else — and I asked that of him. I assumed that it was a glue factory, but he said that in the concentration camp at Auschwitz corpses were burned on wood piles and that caused the odor. When I was on the construction site later, nobody worked at any rate the inmates didn't work — and I asked, "Why don't you work?" I was told that para-typhus or typhoid had broken out in the concentration camp and for that reason people are in quarantine and not permitted to come to work. I concluded from that that a large number of deaths had probably occurred in the camp and that it was not possible to bury all the corpses, and therefore these corpses were burned. That was the explanation I made to myself. I talked to various persons in Auschwitz and they said, "Well, that is quite possible."

Q. Did you ever hear anything about the gassings at Auschwitz?

A. Only after the war.

Q. Witnesses of the prosecution mentioned shipments of methanol from the Auschwitz plant to the Auschwitz concentration camp for the cremation of corpses. Did you know anything about these shipments?

A. I do know about these shipments of methanol, but it seems somewhat peculiar to me that corpses should be cremated with this substance, and I don't believe this. The story about this methanol is as follows: When we had the first great world depression in 1930, we concerned ourselves with using methanol for fuel purposes, either in addition to some other fuel or to use it as such, as 100% methanol. These experiments were conducted further and, finally, brought about in Germany that methanol was added to motor fuels. When the war broke out, we could no longer add this methanol for technical reasons, but all those persons concerned, who had anything to do with tanks or automobiles in general knew that methanol could be used as a fuel. If they could not use it in the field because of difficulties of supply, etc., nevertheless the troops could be trained with such fuel and the Waffen-SS accepted this solution and, as a result, they demanded that they be furnished methanol to the Waffen-SS. This was, first, rejected because methanol was a scarce commodity during the war, but there was a so-called preliminary methanol which could not be refined for economic reasons. There were in Germany about 100 to 150 tons per month produced and the Reich agency for chemistry allotted these 100 to 150 monthly tons of methanol to the Waffen-SS for motor fuel purposes. The instructions about the shipments of this preliminary methanol was undertaken by the Verkaufsabteilung Gole, Sales Department Gole, in Berlin which received some addresses by the Waffen-SS. I was not informed about that, but it is quite a matter of course that if any methanol was shipped to the Auschwitz concentration camp then it must have come, undoubtedly, from the Auschwitz plant for, certainly, for reasons of transport we would not

have shipped that from "overkusen. But, as I said, there were 100 to 150 tons per month and the largest part of this substance was furnished to a training school of the Waffen-SS situated near Vienna. I know that because, at one time, I was seriously reproached by Mr. Speer or somebody else, I don't know any more who it was, and they said that they had found out that a large amount of this methanol was furnished to the Waffen-SS and that's how I know that the largest part of this 100 to 150 tons per month was furnished to the Auschwitz concentration camp from this amount, but I do not believe that these people cremated corpses with this substance. They must have used a more easily combustible substance for that. I do believe that they used it for motor fuel. They didn't have any gasoline and probably drove their automobiles on that substance.

Q. Did you observe any maltreatments of the inmates in the Auschwitz plant?

A. There I experienced one case and I noticed how one Capo at the roll call hit one of the inmates with his fist in the face. I talked to Dr. Duerrfeld about this case because I knew that a regulation existed, issued by the plant management in Auschwitz, that prohibited any types of maltreatment. As I said, I saw this and I told Dr. Duerrfeld about it and, as far as I know, he tried to stop such excesses that still existed around that time.

Q. Have you known Dr. Duerrfeld for a long time?

A. Yes, I've known him for a long time since he entered the Leuna plant. I don't know any more when that was. First he was an engineer in the force hydraulic department and later he excelled by his extraordinary organizational ability and technical knowledge and for that reason he was singled out for supervising the hydrogenation plant Poolitz and, for the same reason, he was also suggested by Leuna for becoming the engineer in charge of the Auschwitz plant.

Q. What was his attitude in regard to the workers? His social

welfare attitude if you want to call it such.

A. Dr. Duerrfeld, just as any other decent technical man, took the part of his subordinates, without special consideration of the individual person, and he tried in any manner possible to get the best conditions for his subordinates and he did that in Auschwitz in regard to the concentration camp inmates, as well. It is my feeling that it is a very tragic circumstance that Dr. Duerrfeld, who did his best for the Auschwitz concentration camp inmates, is in the defendant's dock for this particular reason.

Q. I have one final question. Since you have been in Auschwitz frequently, to what extent was Dr. Schneider connected with the Auschwitz plant?

A. Well, Dr. Schneider was really not at all concerned with the Auschwitz plant. The agency of Sparte I in Auschwitz was undertaken by Dr. Buettfisch and I do not believe that I ever reported to Dr. Schneider about the progress of the construction site for he was much too busy for that and it was really not necessary.

DR. DIX: Well, then, I have finished my examination.

BY DR. FLASCHNER (Defense Counsel for the defendant Buettfisch):

Q. Dr. Giessen, can you please tell us since when you have known Dr. Buettfisch?

A. Since 1923.

Q. Can you tell me briefly what positions Dr. Buettfisch held in the Leuna plant?

A. Dr. Buettfisch was the plant leader of the ammoniac factory as the successor of Dr. Hebert and Dr. Schneider. He was very quickly promoted to become the chief of the high pressure department and then became the director and he dealt, in technical matters probably at the middle of the 30's, with carrying out the gasoline synthesis on a large scale. Above all, when Dr. Schneider took over the management of the plant, he became the technical director of the Leuna plant.

Q. Can you briefly and succinctly describe to the Tribunal what chief activities were connected with these positions in detail?

A. The technical manager of Leuna had, above all, to see to it that everything that had anything to do with production should be carried out in time. He had also the supreme supervision about the scientific experiments that had to be carried on in such a large plant as was Leuna and, finally, he had quite generally to issue the directives according to which one had to proceed. As I have just now stated, the plant was divided into various departments which had more or less independent character. It was the task of Dr. Buetevisch to see to it that no department should exceed its functions. That might have been contrary to the interests of the whole plant. The development resulted in that fact that much that was originally intended to be carried out could not be achieved later and also it caused that the conditions were stronger than the intentions that one wanted to carry into effect.

Q. If I understood you correctly, Dr. Buetevisch's activity was, in the final analysis, to issue the directives - the policy for the plant as a whole?

A. Yes.

Q. Another point. Was Dr. Buetevisch the leader of the plant in the sense of the law for regulating national labor?

A. No, the plant leader was Dr. Schneider.

Q. Who were the persons who composed the technical directorate of the Leuna plant?

A. You mean the plant leaders?

Q. Yes.

A. The plant leaders were Dr. Schneider, Dr. Buetevisch, and the chief engineers, Dr. Sauer and Dr. Strohbock, and the technical director, Dr. von Staden, who was the deputy of Dr. Buetevisch.

Q Was there anything connected with Buestefisch's activity - anything else? What you have said, does that exhaust the entire activity or did he have anything else to do?

A This field of work in Leuna was so large that Dr. Buestefisch would probably have been busy with doing what I said, but I already said that Dr. von Staden belonged to the plant management and he was the technical director as the deputy of Dr. Buestefisch and this was the case from the moment on when Dr. Buestefisch had to deal with a lot of different things. That is, the reconversion of the hydrogenation and the contractual negotiations etc.

Q Then it is probably true that Buestefisch could only little concern himself with pure legal questions concerning the work and the employment question as such?

A Certainly not. He might have done so as the deputy of Dr. Schneider, but I feel that Dr. Buestefisch would never have done this because of the separation of working spheres that existed between these two people.

Q One different question. Did the individual plant department leaders, who were in charge of for example, the hydrogenation, organic departments - did they have their own independence?

A Yes. I believe that I stated already that the departments were absolutely independent, and it would have been quite impossible for any one man in the plant management to have an insight over the entire enterprise. There was always a large feeling of solidarity that existed which did not permit any idea of some one being superior to the other, of gaining a predominance. It was a matter of course that new developments arose from the various departments which had to be taken into practical conduct and should materialize, and these things had to be passed on - that they were to be carried out, or not by the plant management. From this a large number of technical differences of opinion arose between the plant management. From this a large number of technical differences of opinion arose between the plant management. From

this a large number of technical differences of opinion arose between the plant management and the various departments, arising from the conditions of those times. For example, the departments, apart from the hydrogenation department, were not very enthusiastic about the extension of the gasoline plant. Dr. Von Staden and I were of the opinion that we had much too little coal in Central Germany in order to keep the gasoline plant working at the rate at which it was done. We were rather the opinion that the organic production, the refining products should be stressed. This idea was familiar to Dr. Buotofisch and the plant management, but he was under the impression, that they had to produce gasoline ammonium, methanol, so that later new products could be created - peace time products should be created, and for that reason, we found a solution to erect a new plant because Leuna could no longer be extended and these were the developments that were caused by the conditions around that time.

Q Very well. I shall deal with that during the later course of your examination.

Tell me, Dr. Giessen, can you tell the Tribunal briefly what plants outside of Leuna were under the charge of Dr. Buotofisch's technical care?

A These were the plants of Brabag, Braunkohle & Benzin Aktiengesellschaft, Bochlen, and Magdeburg, where Dr. Buotofisch, I believe, was in the Vorstand and, towards the end of the war, the Moosbierbaum Plant near Vienna, a plant that he concerned himself very seriously about because, in the beginning, something went wrong there.

Q Dr. Giessen, during your examination by my colleague Dix you already stated what you know about Auschwitz. First of all, I should like to know from you, how did Sparte I get to Auschwitz?

A As I have already stated, we were of the opinion that we should participate in modern peace time production developments and the Leuna plant had become much too large for us to undertake any such production there. In the surroundings of Leuna, as I have already stated,

this morning, we had no further labor available. Therefore, we wouldn't have had any workers for a new plant that we might have erected. The raw products for manufacturing that we undertook during the war, for soap, raw materials, mersol, had to be shipped from Schwarzheide, from the Ruhr and so on.

Q May I interrupt, Dr. Giessen? Was Leuna given any order from the authorities that the production should be increased in this field?

A What field do you mean?

Q The field you have just mentioned.

A We had an order, yes, to increase this production and for this production we needed raw materials. This is the so-called Cogasin. That is a compound of good Diesel oils as is produced for use by the Fischer-Tropsch process. It is quite clear that during the war these materials were scarce also. The authorities in Berlin in charge of the gasoline field did not like to allot diesel oil very much and, as a result, we at Leuna concerned ourselves with experiments which were to develop the process in the nature of gaining more Cogasin or diesel oil. These experiments were favorable so that we were given the order to take into consideration such a plant for Leuna. Since we at Leuna did not see our way clear to do this in Leuna, we wanted to include this in another plant. That was at the end of 1941. At that time Sparte II projected Auschwitz. It was quite likely for us that these same productions that we wanted to build up and that needed Cogasin-gas and hydrogenation - that these plants should be transferred to Auschwitz. That is the reason why Sparte I came to Auschwitz, in order to work in unison with Sparte II. The Berlin authorities understood our motives and then gave us the order to produce these hydrogenations and to transfer production to Auschwitz.

Q When did Leuna Werke receive the order from the authorities in the Reich office?

A This was probably approximately at the end of 1941.

Q Do you mean at the end of 1941 or at the end of 1940?

A Well, I don't really know, but I think it was at the end of 1941.

Q Does it help your memory if I tell you that the order for the construction of Auschwitz camp was issued as late as the beginning of February 1941?

A Well, if it was in February 1941 then I am right if I say at the end of 1941.

Q Please tell us, Dr. Giessen, what was done within Sparte I as a result?

A Well, Sparte I, first of all, in an agreement with the directorate of Sparte II saw to it that the Auschwitz construction sites should be put under the direction of Dr. Duerrfeld and that, in an agreement with Sparte II, all production that emanated from Leuna was directed by Leuna also in Auschwitz and that the liaison man between Spartes I and II was Dr. Buestefisch represented in the Vorstand, and that the technical advising of Auschwitz was entrusted to Dr. von Staden and, after his death, entrusted to me.

Q Did Dr. Buestefisch undertake any plant leader work for Auschwitz in this connection?

A No.

Q You have already stated when examined by my colleague, Dr. Dix, something about the development in Auschwitz generally, but I wanted to get from you a few small supplements. How often were you in Auschwitz approximately?

A Roughly a dozen times.

Q Dr. Giessen, you are the leader of a large plant and you certainly can judge the development of a construction site very well. Please give me a short description how you found the construction site and later the plant at your visits?

A Every technical man and every expert who visited the construction site in Auschwitz noticed that it must have been a miracle that during that time of the war it was possible to get so much construction equipment derricks, etc; that such a large type of earth construction could be

undertaken. That caused everybody astonishment. Nothin was more difficult than the construction of such a large type of plant during the war.

Q You have already stated what you know about the commitment of concentration camp inmates. Tell me, were you astonished to see inmates employed there?

A Well, I don't know how I am to answer that question.

Q Was it something extraordinary?

A I didn't know the Auschwitz concentration camp for we had little information about that in our section of Germany, but all of us in Germany know that concentration camp inmates, prisoners of war and other punitive prisoners were working and, therefore, Auschwitz was nothing remarkable for me.

Q. Did you ever notice, during your visits, that people working on the construction site collapsed under the extreme burden of labor?

A. No, I didn't see that a single time.

Q. Did you ever notice that corpses were dragged away from the place of work?

A. No, I never saw that either.

Q. One important question. Did Dr. Duerrfeld or any other of the plant leaders working there ever tell you that concentration camp inmates who were too weak to work were sent back by the plant or that it had been demanded that these people who were too weak should no longer come back to work?

A. No, I don't know anything about it and I couldn't know anything about it because I could not gain a picture of the labor commitment because I was only there once or twice during one or two days.

Q. Did Dr. Duerrfeld or anybody else ever make any allusion to you while you were there, about this type of procedure?

A. No.

Q. Do you know anything about the fact whether Dr. Duerrfeld, quite contrary to such an attitude, endeavored to have prisoners trained for technical skilled work?

A. Yes.

Q. Can you tell the Tribunal anything about that?

A. Yes, apprentice shops were instituted, and in these prisoners who were assumed to be suitable for this work, were trained to undertake all sorts of skilled professions. I also saw that people were trained in laboratories for laboratory work.

Q. Did you ever speak with any other gentlemen besides Dr. Duerrfeld-- the gentlemen from the various departments and the directorate? Can you give me some information with whom you spoke?

A. I talked to all those persons with whom I had something to do-- Dr. Krauss, Dr. Frick Herr von Lom, Herr Haesler and a large number of

other people whose names I don't know at the moment.

Q. Did any one of these gentlemen make any allusions about bad treatment of the inmates to you?

A. No, I already stated this morning that the achievement, the output of the inmates became better and better and none of these gentlemen told me that serious difficulties had arisen in the way of maltreatment. I believe that I already stated that the plant management had forbidden this.

Q. When you returned from your visits in Auschwitz to Launa, did you then ever report to Dr. Buete-fisch about the result and your impressions gained during your visit?

A. Certainly, when Dr. Buete-fisch was there, I talked to him about this.

Q. Did you ever have reason at such occasions to tell Dr. Buete-fisch or Dr. Schneider, who was the Sports leader, about abuses in the commitment of workers and their employment in Auschwitz?

THE PRESIDENT: Well, the witness has gone over that field and said he knew nothing about any abuses. Consequently it is reasonable to assume that if he knew nothing about it he would not have told anyone about it. I think that is deducible from what he has already testified.

BY DR. FLECHSNER:

Q. We shall turn to another subject. You said this morning--you made certain statements about the attitude of Dr. Schneider that you knew in regard to the war. Since, as you have said, you have known Dr. Buete-fisch from 1923 on, I should like to ask you, was Dr. Buete-fisch's attitude towards the war different from that of Dr. Schneider's?

A. No, it was the same--exactly the same. I already stated that all of us technical men had the same opinion.

Q. This brings me to the question whether, as far as you knew, Dr. Buete-fisch became active politically in any way in Launa.

A. No, he was never politically active. I don't know whether he

was at Party meetings because I myself was not in the Party and had no picture of that. I never saw him wear a Party badge.

Q. Did you ever hear anything about the fact that Buotefisch held an honorary rank in the SS?

A. No, I didn't know that. I didn't know that he was in the SS.

DR. FLAEBHSNER: Thank you very much. I have no further questions.

THE PRESIDENT: Any further interrogation on behalf of the defendants? If not, the prosecution may cross-examine.

MR. SPRECHER: May it please the Tribunal, the prosecution has no questions of this witness.

THE PRESIDENT: Very well, the witness is excused. Dr. Dix, call your next witness.

DR. DIX: I must ask your indulgence. The witness is not in the immediate vicinity, because I thought that another colleague might ask some questions, but he is in the building and I am having him called.

THE PRESIDENT: Very well. Have you a document or two you might wish to identify, Doctor?

DR. DIX: Yes, but unfortunately I have only the books and not the original documents. Can I hand in the originals after the noon recess? Then I can go on with my books.

THE PRESIDENT: Very well. That will be satisfactory. Which book will you use, Doctor?

DR. DIX: Book Number 10. This book also contains material about Leuna in connection with Count III of the indictment and besides that some material in connection with Count IV of the indictment in regard to my client, Dr. Schneider. But I don't know the number of the next exhibit. I offer Document Number 268 as Exhibit Number 46. These are originals or photostatic copies of the illustrated regulations for the prevention of accidents containing almost fifty pages of the Merseburg Ammonia Plant in Leuna, 1944, written in French and several Slav languages. One can see from this the care that was taken by the plant for

the foreign workers. It is impossible to present any more voluminous material from Leuna because of the circumstances at the present. Exhibit Number 47 will be Document Number 205. This is an affidavit of Dr. Mustrow concerning Dr. Schneider about the organization of social welfare matters in Leuna and the attitude of the plant management toward the question of foreign workers; Dr. Schneider's endeavors to improve the food of the correction camp inmates; the allocation of prisoners of war in accordance with prevailing regulations; and the treatment of convicts. Then the regulations about mobilization plans and air raid precautions are also mentioned. I want to quote a very short passage. In paragraph 9 it states: "As already mentioned, Dr. Schneider attached the greatest importance to correct and fair treatment of the foreign workers. In this connection I remember another case where Dr. Schneider personally intervened. For instance, when it was found out that three leading officials of the personnel department had accepted small pieces of butter from the manager of the mess room of a foreign workers' camp, Dr. Schneider took steps to have these three people dismissed." I further offer Document 197 as Exhibit Number 48. That is an affidavit of Dr. Strombeck about the endeavors, particularly Schneider's endeavors, to improve the situation of the foreign workers, in particular after air raids; also improving their conditions so that they did not have to pay such high Eastern workers' taxes. The next is Exhibit Number 49, Document 114. This is an excerpt from the digest of the Reich Labor Minister concerning the employment of prisoners of war, and I direct your attention to Article II, paragraph 6, which states particularly that prisoners of war can be employed in hydrogenation plants. At the end of the excerpt it is stated that the international law regulations are to be observed. From this it can be seen that the German authorities held the attitude with which I agree, that hydrogenation plants were not serving the immediate needs of war and therefore did not belong to those plants that could not employ prisoners of war according to the Hague Convention,

I offer Document 269 as Exhibit Number 50. This is an affidavit of Dr. Mauntz, the social welfare officer for prisoners of war during the war, and this document explains how the supply and social care and welfare of the prisoners of war were supervised by the Wehrmacht. It proves that these things were handled by the Wehrmacht which corresponds to the regulations of the Hague Convention. Document 177 is Exhibit 51.

THE PRESIDENT: Dr. Dix, we will suspend at this point and see that the originals are put in the hands of the Secretary and have your witness here at 1:30. The Tribunal will now rise.

THE MARSHAL: The Tribunal is again in session

THE PRESIDENT: Mr. Marshal, you mentioned to the Tribunal a moment ago that two of the defendants were absent this afternoon. Who are these please?

THE MARSHAL: That's Defendants Ambros and von Knieriem.

THE PRESIDENT: Very well, the record will show that the defendants Ambros and von Knieriem have been excused from attendance this afternoon on their own application. You may continue.

DR. HELLMUTH DIX: (For defendant Schneider) I shall conclude the presentation of Document Book 10, then submit a small supplementary book, and then proceed to further witnesses.

The last document that I offered was 177, Exhibit 51, an affidavit of Dr. Hanisch, who was a chemist at Leuna and has been evacuated from there. He speaks about Schneider's personality, the help he gave to political persecutees, production at Leuna, the treatment accorded the foreigners, especially he speaks about the employment of children and the reason for this; he says that it was only very light work. He speaks about the working conditions for convicts, prisoners of war, and B prisoners. For the details I refer you to the document and the index.

There follows Document 201, which will be Exhibit 52. This is a very detailed affidavit by Dr. Weydanz, formerly of Leuna, regarding the working and living conditions of the foreigners, in particular the fact that they were given equal treatment as to working hours, place of work, and other working conditions, also the retraining of foreigners, their output, and especially the camps.

As Exhibit 53 I offer Document 270, an affidavit of a chemist named Rudolf, also formerly employed by Leuna, on similar subjects, especially the camps which Rudolf saw and the sanitary and other installations. He also speaks about a school or a kindergarten which he observed.

A letter which came from Leuna a few weeks ago, is attached to the affidavit. It has not yet been possible, perhaps it will not be possible at all, to get an affidavit with a certified signature.

The evaluation of the weight of this letter I leave to the judgment of the Tribunal. The letter states that there were schools at Leuna for the foreign children, not on a large scale because there were not many children.

There now follows Document 184, Exhibit 54, an affidavit of Dr. Hill, especially about the work of the female Z prisoners, which was very light work. The other conditions, guards and so forth are described. Then, this witness inspected two Farben plants with Schneider which he describes. He speaks in a similar vein as the other affiants regarding Gestapo intervention. He knows of only one case in his plant, affecting a German worker; the report was made

by a V-Mann (confidential agent) of the SD,

There follows Document 187, Exhibit 55, another affidavit by a Leuna chemist on approximately the same subject. The affiant states that he still has correspondence with some French prisoners of war.

The next document is 190. I shall not introduce this because the affiant will appear as a witness this afternoon. You may strike that one.

Document 195 I offer as Exhibit 56. This deals especially with the feeding of the foreign workers, especially the quality of the noon meal supplied in the plant, which, contrary to regulations, was also given to the Eastern workers -- that is, they were given the same quality of food as the Germans and the other foreigners.

Document 196 will be Exhibit 57, and affidavit of one of the doctors at Leuna about the medical care given the foreigners, their state of health, and the medical facilities. For details, especially for details about deaths among the E-prisoners in the Vomer Schneider mentioned on the stand, I refer to the document itself.

Another medical affidavit follows, Document 179, which will be Exhibit 58. Again I refer you to the document.

I then offer Document 172, as Exhibit 59. This is an affidavit of the head of the plant guards, former Colonel Fendel-Sartorius, concerning Schneider's attitude toward the foreigners and his constant effort to avoid reports being made to the Gestapo and Schneider's severe action in some cases when he heard of mistreatment of foreigners or other irregularities in the administration of the camps. The affidavit also deals with various conflicts between the plant and the Gestapo, which Dr. Schneider has testified to and which are here confirmed.

Document 204 will be Exhibit 60, another affidavit by Dr. Wurstrow which deals particularly with the conflict between the Leuna plant management and the SS in 1944.

There follows Document 198, Exhibit 61, an affidavit by Dr. Strombeck, saying that Dr. Schneider objected to the establishment of the E-camp—that is, the camp for the E-prisoners—and that the living conditions and the work tempo of these prisoners was under the control of the SS. Only the place of work was assigned by the plant.

As Exhibit 62 I offer Document 135. This is a decision of the Reich Court (Reichsgericht) from the year 1921 — an excerpt— according to which, when the constitutional guarantees of personal liberty is cancelled, as was the case in the first World War, protective detention by the police is permissible. In 1933 these constitutional guarantees were again repealed. According to this decision of this supreme court, protective detention — at least formally — was legally permissible. It requires no argumentation that, in view of this decision of the Reich Court before 1933, a private citizen, at least, could not debate these things with the National Socialist Government. The permissibility of protective detention, so-called "Schutzhaft," led to the concentration camps.

Document 125 will be Exhibit 63. This is an excerpt from a judgment of the Frankfurt District Court of Appeal (Oberlandesgericht) from the year 1947, published in the Neue Juristische Wochenschrift (The New Juridical Weekly.) It has the force of law; otherwise it would not have been published. According to this decision it was not a crime against humanity for the plant leader to pass on a report if it was unavoidable under the circumstances.

The next document, 126, Exhibit 64, is an excerpt from Military Government Law No. 2, of which I ask you to take judicial notice. This excerpt shows that the Military Government is now authorized to set aside judgments of German courts. This is of significance for the previous decision. Since this other decision has been published, we conclude that it has not been set aside by the Military Government. In other words, it has been approved by Military Government.

MR. SPEECHER: Mr. President and honorable members of the Tribunal, with respect to Schneider Exhibit 63, Schneider Document 125, the Prosecution makes objection. At least as far as we can tell from this excerpt, this is not the text of the decision of the court. The New Juridical Weekly, which is the publication involved, is an unofficial type of commentary; the editor's name is not given. So far as we know, it is utterly unofficial.

The Frankfurt District Court is of course located in matter, if any, could be better judged if we knew something of the history of this case and what the foundation of this judgment was.

Our objection is based on the incompetency of the evidence in this form; on the question of materiality I think there is also a very big problem, but I will leave that go and let your Honors handle the weight of this matter, in case you should believe this is competent in its present form.

DR. DIX: May I make a brief remark? This publication is one of the customary juridical journals which always publish decisions in Germany. I have presented only an excerpt in order not to over-burden

the translating staff. I believe that the complete judgment is in my possession. I could have gone to the Tribunal, but I feared that I would get the answer that these things are not accessible to me unless they have been published. According to German practice, I would probably have been referred to this journal.

I am sure that a request could be made through the Tribunal for the full judgment.

JUDGE MORRIS: May I ask a question? This document 125 of yours — is that a copy of excerpts from the judgment, or is it a statement of what this publication thinks the purport of the judgment is? Now, is it actually excerpts from the judgment?

DR. DIX: It is an excerpt from the judgment as is customary, omitting the names, but including part of the facts.

THE PRESIDENT: May I ask further: Is this publication one that generally circulates in legal circles and is looked upon by lawyers as a means of keeping abreast with current decisions?

Then that objection will be overruled. I think I may say to counsel for the Prosecution that the same thing would be applicable to the Reporter's System of the West Publishing Company. And if this is only an excerpt and you wish to bring in more of it, that is a matter of rebuttal.

The objection is overruled.

DR. DIX: Document 147 is Exhibit 65. I should just like to add: the excerpt from Military Government Law No. 2 is 64. Now, this will be Exhibit 65. This is an excerpt, again, from a scientific article far back because I did not want to present any publications from the National Socialist regime. This publication shows that at that time, at the height of the inflation, when the mark was not worth much, the convicts received at the most twenty-five pfennigs per day — practically nothing. Perhaps the Tribunal is aware of the fact that in other countries, too, payments to convicts are very low.

I offer this in order to facilitate the evaluation of the question

of payment of concentration-camp inmates in connection with the Pohl Judgment. It can be seen that industry did not know whether the concentration-camp inmates very little or nothing. At any rate, this fact was nothing that industry should have objected to.

Document 194 is Exhibit 66, an affidavit by Dr. Sauer formerly of Leuna, about his trips with Dr. Schneider to Auschwitz and his observations there, which were by no means unfavorable.

Document 133 --

THE PRESIDENT: Counsel, pardon me a minute. Did you intend to omit Document 143? Then I think you are one behind on your series of numbers. To retract a minute, 126 was Exhibit 64; 143 would be 65.

DR. DIX: I beg your pardon. There is a mistake in my notes. Should that have the next exhibit number then?

THE PRESIDENT: Then to get the record straight....

DR. SIX: Sixty-four-A.

THE PRESIDENT: That will be more confusing. Let's do it this way: 126 will be 64; 143 will be 65; 147 will be 66.

DR. DIX: Yes: I have just heard that 143 isn't there. I will have to offer that later. But the original isn't here.

THE PRESIDENT: We have it.

DR. DIX: Oh.

THE PRESIDENT: Well, if you will undertake to supply it, we will give it its number, so as not to disturb our system of numbering here.

DR. DIX: Yes, I know; that is in another book; the original is there. 143 is a note on a Fuehrer conference in the big I.M.T. trial: Speer Exhibit 13. This is information given by Speer to Hitler showing that 30- to 40,000 foreigners were taken away to the concentration camps by the Gestapo every month. This note shows that the foreigners taken to concentration camps were predominantly people who had escaped. They were captured by the authorities in various ways, so that industry is not responsible for such large numbers.

This is a document from wartime and therefore of special value.

Document 132 would be —

THE PRESIDENT: Now, just a moment. To get it straight, Document 147 is your Exhibit 66, and Document 194 is 67. Now you are down to your Document 132.

DR. DIX: Yes, that is exhibit 68. It is the well-known order of Hitler's about secrecy, explaining why in Germany during the war so few people were informed about many things.

Document 131 will be Exhibit 69. This is an examination before the Military Tribunal in Case IV, regarding knowledge of conditions in concentration camps; the witness is Dr. Sachs, State Secretary of the Bavarian Ministry for Political Liberation. According to my information he is of Jewish origin.

Although he listened to foreign radio programs, he had little information about conditions in concentration camps; as for the rumors current he says that he was quite uncertain. For the details I refer to the record, which in my opinion is of great significance for the question of common knowledge.

Document 131 will be Exhibit 70. This deals with the same question. It is an excerpt from a book published by the Munich Bishop's assistant Johann Neuhaeuser, who was also a concentration-camp inmate for some time. It is a semi-official publication of the Catholic Church of Bavaria.

I thought that excerpts from books by especially well-informed persons would be desirable for the information of the Tribunal and would expedite the proceedings better than examining a large number of expert witnesses who do not have anything to do directly with the case.

MR. SPRECHER: We will make the customary objection to a book written in Germany after the collapse of Hitler, which is not a contemporaneous book of the era. It has nothing to do with competent evidence, in our view.

Did this man make these statements under oath? Is he subject to examination? Is the Defense ready to produce him? I mean, it opens up a tremendous area, a very loose, speculative type of assertion which could lead us to tremendous consequences if we were to take it seriously enough to consider it worth meeting.

If it is not serious enough to be worth meeting, then we think it should fall as being incompetent, and that we can only go so far in not making objections to materials that are given that are not under oath and that are published by any particular group in Germany after the time of the events here in question.

THE PRESIDENT: The nearest parallel to the present situation that I recall at this moment is that which was presented with reference to the book "Buna Rubber, New Industry," or some such title, by Mr. Howard. We recall there that by an affidavit he verified the facts contained in the book.

Would it be practicable for you to get an affidavit from the authors of these books that they do take the responsibility for the statements as contained in the publications, or the parts of the publications that you quote, Dr. Dix?

DR. DIX: Well, in the case of this book I believe that could essentially be done. I believe that since the Prosecution has offered a number of books from the National Socialist time by way of illustration, a certain generosity would not be out of place for things that happened later, if it seems necessary to describe the conditions.

I am sure that Mr. Neuhaeuser will confirm this.

MR. SPRECHER: I don't want to get into the question of the difference between post-Nazi books and books of the Nazi era which either gave knowledge or which stated officially things approved by the Party, since the Party press was an approved press in Germany, and as Dr. Dix well knows, every book had to be checked through a special branch of the Propaganda Ministry, which meant that it had to be checked.

THE PRESIDENT: Oh, yes, we understand that difference. Let me suggest that documents 121, which you have identified as your Exhibit 70, and the following, 130, which you will mark as 71, be marked for identification only at this time, and permit counsel to have an opportunity to see what can be done to meet the situation.

DR. DIX: Very well.

With respect to Document 70, I point out that it discusses knowledge concerning concentration camps and also shows to what extent the church--

MR. SPRECHER: Mr. President, we will have to object if these are marked for identification. Until the question of their competency is met we don't believe that there should be comments concerning them. That is the practice that we had when the Prosecution found itself in similar difficulties.

THE PRESIDENT: That is correct, and if the books or the excerpts from the books are admitted in evidence and counsel wishes to comment on them, we will give him an opportunity. You may pass down now, Doctor, in the interest of time, to your Document 87.

DR. DIX: The next document is 130. That will be, for identification 71.

Then comes Document 87. This is again found in the document book of Speer, from the big trial. It is a letter from the witness Schieber, concentration-camp inmates in industry. It confirms the opinion of the defendants that the fate of these people was only improved in industry. It is a document from wartime and is of special probative value.

There follows Document 128, as Exhibit 73, an excerpt from a book by an Englishman of the year 1940, before the end of the war, which I

offer as proof that before the war the atrocities of the Gestaop and in the camps in Germany were successfully kept secret. It seems to me that because of the date of this excerpt and the country in which it was published, it is of special value.

I now offer Document 146, as Exhibit 74. Here we have the same problem. I would suggest that we proceed in the same way here as with the other exhibits, 70 and 71.

THE PRESIDENT: That document will be received for identification only, as we did in the case of Exhibits 70 and 71.

MR. SPRECHER: Mr. President, there is one further matter I would like to raise in connection with Exhibit 74 for identification. As I understand it, this is Dr. Pribilla, who is a defense counsel in this case.

DR. DIX: No.

MR. SPRECHER: It is a different Pribilla?

DR. DIX: That is a Jesuit priest, a very well-known Jesuit priest.

THE PRESIDENT: I hardly think we would take Dr. Pribilla to be a Jesuit priest.

MR. SPRECHER: I'm sorry, Mr. President...

THE PRESIDENT: I simply remarked that the Tribunal would take judicial notice of the fact that Dr. Pribilla is not a Jesuit priest. The one we know, I mean.

MR. SPRECHER: Since I might have an objection to this document, even if it were properly authenticated, I think I should raise it now and possibly save some difficulty. It doesn't seem to me that an affidavit of this type is particularly helpful unless the document itself shows the qualifications of this person to speak as an expert.

What is more--and this of course goes for the other documents as well concerning common knowledge--it is one thing to speak of the extent of common knowledge with respect to the specific atrocities in specific concentration camps. There we have a question of, for instance, the common knowledge of one or all of these defendants with respect to an area which they frequented, namely, Auschwitz.

Now, with respect to common knowledge outside of Auschwitz, or a

particular case where a particular defendant had contact, you have a question where I think there is some agreement between Dr. Dix and I. We don't claim that there was common knowledge of the details of atrocities in particular instances. We do claim that there was common knowledge that these atrocities were going on, on a very broad scale. And unless this witness or any other witness were to direct himself towards some special point such as that, we don't see how it could have any relevance, because it's quite plain to us that it was not customary in Germany for the newspapers or for people openly to constantly discuss all the atrocities or barbarities which they knew were going on.

Therefore, the question of common knowledge on this point of the extent and nature of atrocities in all the concentration camps, or in other places where the police state was carrying on excesses, in a very special type of common knowledge, and our claim with respect to that, if it is understood, it seems to me, makes this particular type of document utterly irrelevant.

THE PRESIDENT: The Tribunal will reserve its ruling as to the admissibility of the document until it is re-offered.

You may go on to the next one, Doctor.

DR. DIX: I now come to Document 116, Exhibit 75. This is an excerpt from the bulletin of the Bavarian Ministry for Political Liberation, showing that honorary officers of the SS did not belong to the criminal organization of the SS. It seems to me that this is important also with respect to the sponsoring members, because they were of lesser importance than the honorary officers.

Then comes Document 114, Exhibit 76. This, again, is an excerpt from this bulletin--which is in my possession, Dr. Sprecher--showing that sponsoring membership in the SS was not sufficient for recognition of political reliability in the Party, because sponsoring members were not active members.

I believe this is a translation of a ruling of the Military Government.

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MR. SPRECHER: The first question I have is with respect to your Exhibit 75. At least in my book it is marked at page 104, and that overlaps with the prior document, Schneider Exhibit 74.

THE PRESIDENT: It is page 106, Mr. Sprecher.

MR. SPRECHER: Now, Mr. President, we have to object to Schneider Exhibit 75 and 76. The extent of the excerpts and the actual exhibit as presented to the Secretary is such that it is impossible to tell from the context as to what the whole subject is about, and one or two sentences just don't help us, and the Prosecution has no original to go to, a full exhibit to go in order to offer counterparts of it or even to make a decent objection because we do not have the document available.

DR. DIX: May I answer that?

THE PRESIDENT: No, it will not be necessary. That purports to be an excerpt from a current official publication of the Bavarian Ministry for Special Tasks, that we know is a public officer stationed at Munich. He was here in the building to see us just a few days ago on another matter, and if the Prosecution feels that it wants more of that document than is disclosed here, and Dr. Dix cannot supply it, I think the Tribunal can get it for you, Mr. Sprecher,

The objection is overruled.

MR. SPRECHER: I am sorry, since this has been about the fourth or fifth one, could we make the request as we still have a few defendants to go, that then similar matters come up there at least be presented in the Exhibit a full page from the document, so that we do not have this tremendous difficulty, which is really unnecessary. I am not talking about the translation, that is a question for Dr. Dix to decide, how much of it he translates. I am talking about having some kind of an excerpt available. Otherwise the mechanical problems for the opposing side are absolutely insurmountable in a case of this size.

THE PRESIDENT: The mechanical problem for the Tribunal is likewise insurmountable. We cannot tell you how much of a document to put in. We have said before that when you have the document it should be out in the files. Use as much of it as you wish. Save the administrative staff the burden of translating unnecessary portions. Make as much of the document as you have control of available to counsel for the opposition. And that

is as far as we can go.

Now in this particular instance there cannot be any problem about these two particular publications. They are current, and we will have the Secretary General ask the Minister for Special Tasks to get copies if you wish them.

MR. SPRECHER: We make a request of either the Tribunal or the Defense Counsel certainly, however you gentlemen may work it out, but we just do not have the documents.

THE PRESIDENT: If you wish our good offices to get it, let me know and I will undertake to get it for you.

DR. DIX: I should like to mention that I would have been glad to offer more, but printed matter is no longer photostated, and these things are all very long. If one wanted to present more, it would only be clear if one presented the whole thing. My secretary has been sick for weeks, and it would have been a great deal of work, which in my opinion, would not give any more information than what this documents shows. In my opinion it is quite clear.

Dr. Boettcher has just told me that he would be glad to give an affidavit about the correctness of these passages, but I believe that this publication is in my possession, unless I have loaned it to someone.

Now I come to Document 185, Exhibit 77. This is an affidavit about Schneider's political attitude, especially his relationship with the SS.

This concludes the presentation of Document Book 10. There is a small supplementary book which contains only documents---

JUDGE MORRIS: Dr. Dix, before you leave Document Book 10, I notice your Exhibit No. 68, being the order of secrecy by Hitler, bears no date showing when that order was issued. It would be of interest to me and probably to the other members of the Tribunal if at some time the date of the issuance of that order was indicated.

DR. DIX: I believe that that was a printed order which is in the files of the IMT, which it was displayed in all public offices without any

date. The original decree is probably not available. I can remember that it was on display everywhere from about 1940 on. I shall try to ascertain the date. Perhaps I can do so. That is the reason why this document has no date, because it was displayed everywhere as a Proclamation.

JUDGE MORRIS: It would be of some interest to know when it appeared or about when.

DR. DIX: From the supplementary book I offer Document 281, as Exhibit 78. This is an affidavit by Dr. Sauer.

THE PRESIDENT: Just a moment, Dr. Dix, until we find our books.

DR. DIX: Document 281 Exhibit 78, is an affidavit by Dr. Sauer, about Schneider's, Sauer's and the deceased head of Leuna, Dehnel's becoming sponsoring members of the SS. The affidavit shows that these three did not take any oath as members, and that, aside from the payment of dues, they had no connection with the SS. The attitude of Dehnel toward the Party has already been discussed.

There follows Document 282, Exhibit 79 of which I request that you take judicial notice. It is an excerpt from the judgment in Case No. III, according to which the defendant Cuhorst was acquitted as a sponsoring member of the SS, because the Court did not consider sponsoring members, members of the criminal SS organization.

There follows an excerpt from the transcript of the IMT, with a statement by the Prosecutor, Major Farr, according to which only those SS members are accused who took an oath, which was not the case with the sponsoring members. This can also be seen from Exhibit 78.

This Document will be Exhibit 80, Document 283, Exhibit 80.

The next Document is 284. I am not offering that yet.

After great effort I received the pictures only a few days ago, in spite of my endeavors I was not able to get the necessary number of copies of them.

The last document today is Document 285, Exhibit 81. The affiant, Bieringer, was a concentration-camp inmate, was employed at Leuna as a convict, and sent me this affidavit although I had not known him before. It

is rather impressive, as far as Schneider is concerned. If I had had any influence on the formulation it would have been a little different, not so subjective.

I have finished my presentation of documents for the time being. I should now like to call the witness Kaeding to the stand.

THE PRESIDENT: The Marshal will bring in the witness.

HANS KAEDING, a witness, took the stand and testified as follows:

BY THE PRESIDENT: Witness, you will remain standing for the purpose of being sworn, raise your right hand, say "I," and state your name.

THE WITNESS: I, Hans Kaeding.

THE PRESIDENT: And now please repeat after me the oath: swear by God, the Almighty and the Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath).

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

MR. HANS KAEDING

BY DR. DIX:

Q. Dr. Kaeding, please tell me where you live at present.

A. Uerdingen, Duesselderferstrasse 4.

Q. What is your position?

A. I am a representative of the Plant manager for production and general questions at Uerdingen.

Q. Tell us briefly about your former work at Leuna.

A. From 1934 on, I worked at the Leuna plant, first of all in the experimental department; after that I was plant leader of various plants, including nitrogen synthesis.

From 1940 on I came into the administration, and in 1944, after the beginning of the air raids on the Leuna plant, Dr. Schneider appointed me his assistant for the reconstruction of the plant.

Q. Then you know Dr. Schneider quite well. Please tell us briefly

what you can about him, about his personality.

A. I would call Dr. Schneider a man of great honesty and uprightness. He was very well liked by his subordinates. He was absolutely correct, and I can only say that under his leadership, or, as far as I knew him, he was in charge of social welfare matters, and Dr. Buetefisch was in charge of technical matters, and they had an effect on Leuna that could not have been better. We were all proud to work at Leuna.

Q. What task did he devote himself to primarily? You said social welfare questions. What were these later, and what was his work earlier, so far as you could observe?

A. When I came to Leuna Dr. Schneider was the deputy manager, and had primarily a technical position. His predecessor, Dr. Dahnelt, became ill, I believe it was in '35 and Dr. Schneider took over the management of the Plant. He hardly had any more time to devote to technical matters after that. His main work was in taking care of social welfare problems in the plant and representing the plant on the outside. Then, I believe it was in 1936, he took over the management of Sparte I, at first, on a provisional basis, and then he had even less time to deal with technical matters. It was only occasionally that he let himself be informed by the department chiefs about technical matters in broad outline.

Q. In this connection it is of significance that you give us some statistics about the size of the Leuna plant.

A. The Leuna plant was 4000 meters long and about 1500 meters wide. There were about 2000 buildings, some of them very big. During the boom, 1928-29, there were about 30,000 people employed there. This figure fell to about 12,000 during the depression, and then during the war it rose again to about 30,000.

To give an idea of the size of the plant, I may say that the water consumption was about 35,000 cubic meters per hour. That was greater than the city of Berlin with its 4½ million inhabitants. Of the 30,000 employees, about 4000 were office workers, about 500 of these chemists and engineers.

Q. Was Mr. Schneider very busy with work outside Farben?

A. I cannot say that exactly, I believe not. In Berlin he had perhaps one or two minor positions. I know that to me at least, especially during the war, he said that he was very satisfied that he was not burdened with duties in Berlin. He had only regional offices, which he could not avoid as a representative of the biggest plant in central Germany, and then, of course, they were connected with his social work.

Q. Please tell us briefly about his attitude toward the Party.

A. Dr. Schneider was not a member of the Nazi Party in 1933, nor was anyone else of the management. In 1937 he became a Party member, upon special request. That could not be avoided, I believe, because there was no Party member in the management, as I said, and consequently the work with the Party agencies, which became more and more necessary in the course of years was not very simple. That is why, as far as I heard from him, and from my knowledge of his personality, he became a Party Member at that time.

Q. Did the Leuna Plant itself have difficulties with the Party or the Gestapo or the SS?

A. One can perhaps see from what I have just said that at first we had no one in the management who had any connections with the Party in any way, and therefore there were, of course, certain difficulties. We had difficulties with the Gestapo because the Abwehrbeauftragte was not a Party member either; he had to work with the Gestapo, and they would of course have preferred having a man there who at least wore the Party insignia. Schneider refused to replace him with someone else, however. A way was found, when there were discussions or other aspects of his work, the head of the Plant Guards represented him.

I believe it was in 1944, the Abwehrbeauftragte and his whole office force were arrested by the Gestapo. We considered that this action was directed less against this man than intended as an affront against Schneider, since it would not have been very easy to arrest him as the manager of Leuna.

The reasons for the arrest were rather inadequate. Dr. Schneider tried to have the man released, but he was not successful. The man was acquitted by the Special Court, but he remained in the hands of the Gestapo nevertheless.

Q. I should like to mention, to refresh your memory---but perhaps you don't know this, that I have introduced an affidavit from Sheumburg, himself according to which he was released through Schneider's efforts,

but perhaps you are not informed about that?

A. No.

Q. Do you know of any similar cases, - similar to Shaumburg's?

A. I know that we had a Jewish chemist who was in the experimental department up to 1938, who had to be released then because we could not keep him any longer. Schneider took his part and saw to it that he was taken care of, so that he could manage to live, which was actually against regulations. Together with Dr. Buetefisch, an attempt was also made to get him a position with Standard Oil. After a time that was done, but it was no longer possible to arrange his departure for America quickly enough, and in the meantime the war broke out.

At the end of 1939 he was arrested, and he died in Sachsenhausen concentration camp.

Then I could mention a number of foremen. I remember an electrician in my own plant who was kept under arrest for weeks because of careless remarks, and then came back to the plant in his old job. I can think of two other men who had been foremen for years, - Janoschka and Foyer. I do not remember the reasons. Perhaps they did not pay their dues to the NSV or something, -- but at any rate they had to be fired, and they were reinstated finally into their old positions.

During the war I myself had some unpleasantness with the Gestapo, and I believe it was due to Schneider that I got off with a reprimand and a threat that I would be put into a concentration camp the next time. I don't know.

Q. Then I have another supplementary question. Was Dr. Baumann married?

A. Yes, he was. After his death -- as far as I recall this was in the beginning of 1940--his family were given his full pension contrary to the existing regulations. He had been working for Farben for 20 years I believe, or perhaps 15 to 18 years, at least a long time. The family was given a full pension, so that up to 1945 when we had to leave the plant, -

June, 1945 - they were paid their pension. I know that.

Q. Can you tell me anything about this basic conflict between the Plant and the SS, on the question of the draft? That must have been in 1943-44.

A. I know that we were accused of Wehrmacht sabotage one day. We learned that through a confidential letter from the G. B. Chem. Apparently some Gestapo spies from the plant had sent a memorandum to Hitler's Chancellery, and from there it reached the G. B. Chem. Hitler, or at least his Chancellery, ordered an investigation, and General von Unruh, accompanied by the SS officer in charge of our district, appeared. I do not remember what that man's rank was. The conversation began with the words, more or less, "It is about time to make an example here. Things are happening in this Plant that do not suit us today. Somebody should be shot around here." It was found that there had been no Wehrmacht sabotage, but the SS was not at all satisfied with the result of the investigation, and I do not know whether around Christmas of '44 - '45, an SS staff was set up permanently at Leuna, and the head of this commission, I believe it was a Sturmbannfuhrer, told us that Himmler really intended to have the management of Leuna taken over by the SS itself, but that they had realized the difficulties connected with this very complicated machinery, and that they had decided instead to put an SS staff at Leuna, and later, in conversation, he said it was to control the management, but the official assignment was to advise us on transportation questions, I believe. Then this question was cleared up somewhat. As far as I can recall at the moment, in the course of the next few months, until we were captured by the American troops in April, 1945, there were no more serious difficulties with the SS.

Q Did not the head of the last SS staff in the beginning of '45 make a proposal to Schneider about the foreign workers?

A Yes, that's right. Schneider was reproached with not having carried out the reconstruction of the Leuna plant with enough intensity after the air raids, that he was taking too much interest in the foreign workers and that he was too lenient with all the work in the plant. Somebody was supposed to be hanged again, but fortunately that did not happen. This perhaps shows that the situation between the plant and the Party agencies was not exactly pleasant.

Q Do you know anything else about Schneider's relationship with the SS as a sponsoring member?

A No, I can say nothing about that. I, myself, never knew that Schneider was a sponsoring member of the SS. I learned that only after the war. Besides, I should like to say that it was sometimes very easy to become a sponsoring member of the SS. I almost became one once. There was once a Day of the SS in Halle or some such thing--it was on a Saturday afternoon--

Q Please speak more slowly, Dr. Kaeding.

A It was on a Saturday afternoon. I was in Halle at the market place. There was music and all kinds of things going on.

MR. SPRECHER: Mr. President, the question to the witness with respect to whether or not he knew that the defendant Schneider was a supporting member of the SS, we move that this answer be stricken as not responsive. He is going off on a tangent by himself.

THE PRESIDENT: Mr. Witness, you can answer that question very directly, whether you do or do not know, and leave it to counsel as to whether or not he wishes to ask you anything further about it.

THE WITNESS: No, I did not know that.

BY DR. DIX:

Q Then please tell us briefly this matter about the recruiting activity of the SS that you were going to tell us about.

A The market place at Halle was suddenly blocked off, and whoever

was in the market place had every prospect of suddenly becoming a sponsoring member of the SS by having his name written down. I don't know of course whether the same thing happened to Schneider or not.

Q Then I heard, Dr. Kaeding, that you were an assistant at the Kaiser Wilhelm Institute.

A Yes.

Q In connection with the position of scientists in the Third Reich, I would be interested in knowing what happened to the leading men of this institute after 1933, especially in the field of physics and chemistry.

A I may perhaps mention Fritz Haber, the Nobel Prize winner, according to whose process we produced ammonia synthetically on a very large scale. In the fall of 1933 Fritz Haber had to leave this world-famous institute. I, myself, was present at the discussion at the Ministry of Education when the assistants were trying to arrange to have the management of the institute left in the hands of this famous man, but we did not succeed. In some cases it was possible. Miss Liese Meitner, for instance, who worked in the same institute where I worked for years, continued there until 1938, in Dahlem, but then she had to leave the institute. It was probably not possible for a Jew to hold a public position very long in Germany at that time. Dr. Baumann had to be dismissed from Leuna at about the same time.

Q Mrs. Meitner is the famous atomic scientist?

A Yes.

Q Do you not know of similar cases, perhaps not quite so serious, of non-Jewish scientists who were also endangered --very important scientists?

A Yes. I could name, for instance, Professor Donagk from our Elberfeld Plant. Because he did not refuse the Nobel Prize in 1939, and it was only after very complicated negotiations that he was released by the Gestapo.

Q I have one more person to discuss. Do you know Mr. Ruther,

who gave an affidavit here?

A Yes, I know him from Launa. He was first in the office of Dr. Dehnal; after Dr. Dehnal was first sick and then died, he worked in the so-called Nitrogen Office. Later he worked for Dr. Eustafisch.

Q You have to speak more slowly, but please go on.

A Later he worked for Dr. Eustafisch, and then no one knew quite what to do with him. That is about all I can tell you about Ruther. Perhaps I might mention that it was known that he was a morphine addict and that he was in a sanatorium frequently.

Q Now, I have just heard that your statement about Professor Domagk, the Nobel Prize winner, was not completely translated. Perhaps you will repeat that briefly.

A I said more or less this: that Professor Domagk had difficulties because he had not refused the Nobel Prize decisively enough according to the regulations. He was at the University of Muenster. He informed them that he had been awarded the prize, and he had correspondence with the Nobel Committee. This fact became known, and it was very difficult and required considerable negotiations to get him free from the Gestapo.

Q He was arrested?

A Temporarily.

Q Now I come to Count I of the Indictment. You know the Indictment in general.

A Yes.

Q This charge refers to this charge aggressive warfare. Perhaps you will tell us briefly something about Launa and its nature as an armament plant.

A We never had the feeling at Launa that we were a typical armament plant. Outwardly, too, Launa was never declared an armament plant. During the war perhaps that might have been better for us because we might have got better quotas. We got the orders but...

THE PRESIDENT: Just a moment. There is something wrong with

the sound system here. We are not getting the translation.

Go ahead, maybe it's all right now.

A The G B Chem gave us the orders during the war, but we never had enough iron.

Q You have to speak more slowly, Dr. Kaeding.

A ...so that perhaps we would have been in a better position if we had been an armament plant. But I can think of no product at the moment, aside from a small production of iso-octane fuel, which we had before the war and which in any way was a product that could have been used only for war purposes. Gasoline is used for driving in peace time and in war time, and a farmer needs nitrogen for fertilizer whether there is a war or not. We had a concentrated nitric acid plant at Leuna, too. The size of this plant perhaps explains it best. It was so big up to 1942 that this plant would have been just sufficient to supply the requirements of concentrated nitric acid which we have today, in view of the restricted aniline production, at our Uerdingen plant. It would have been just sufficient.

Q And Uerdingen has only about 3,000 employees?

A Yes, approximately.

Q Much smaller than Leuna?

A Yes. Before the war--two or three years before the war--we began to get away from a few big syntheses at Leuna and to introduce some other, minor products which were needed in only small quantities: plasticizers, solvents, gun lac, preliminary products for nylon fibers; finally, raw materials for detergents. These were products which we produced at Leuna. I cannot recall any occasion when officially or unofficially it was said that this or that product was especially useful for war purposes, not to mention detailed discussions of such a matter.

Q It is true, is it not, that this Hoko acid you mentioned is concentrated nitric acid?

A Yes.

Q What was Leuna's attitude on air-raid precautions and mobilization plans--very briefly, as I believe these things have been essentially explained already?

A There was a so-called air-raid precaution plan, but the preparations for this were drawn up in the air-raid office and we hardly knew them in the plants. I myself was in charge of air-raid measures in the high-pressure department. In the beginning of the war I did not know what my duties were. I knew our air-raid shelter and I knew nothing else about it. That was not an isolated case but was quite general.

Q I now come to Count 3 of the Indictment; that is, employment of foreign workers during the war.

THE PRESIDENT: Counsel, before you start on Count 3, we had better take our recess. The Tribunal will rise.

(A recess was taken.)

THE PRESIDENT: The Tribunal is again in session.

THE PRESIDENT: Dr. Dix, may I please interrupt you just for a moment to say that the Tribunal has information that the Prosecution's witness Treister, from Prague, will be available here on or shortly after Thursday of this week for cross examination. We are very hopeful that you can arrange to attend to that promptly. According to our information, Dr. Seidel, you are particularly interested in that matter. I am calling it to your attention now so that you may be expecting it. You may go ahead.

BY DR. DIX:

Q In my examination I now turn to Count 3 of the Indictment. I should like to remark the following in that connection: unfortunately I could not get the two gentlemen competent for these questions at Leuna, Dr. Polster and Dr. Wandmann, because they are at Leuna. I have submitted affidavits from them which are rather colorless, as is the nature of affidavits, and that is the reason why I have brought these two gentlemen and the foramen. Present here so that the work can be a little more vividly described to you.

Dr. Wandmann, we are concerned with the employment of foreigners at Leuna. What can you say in that connection?

A Before we got foreign workers at Leuna...

MR. SPENCER: Mr. President, we make an objection to this type of question. The witness, it appears to us, has been at least referring rather closely to notes. That is all right, provided there still are proper questions laid, but to say, "Now we come to Count 3. Will you please tell us about the employment of foreign workers," is such a general question that it leads to a very ambiguous situation, both from the point of view of the Prosecution making any proper objection and from defense counsel directing this testimony in appropriate and relevant channels.

THE PRESIDENT: The question is rather general, Dr. Dix. Can you make it a little more concrete?

BY DR. DIX: Q Yes, certainly. Please, Dr. Paddling of all comment on the types of foreigners that came to Leuna in the beginning and how the various nationalities then were employed.

A As far as I remember, we first had so-called civilian or free at Leuna; later, we had Dutchmen and Czechs. Ethnic from Slovakia came a little earlier. I believe. Finally, we received French prisoners of war.

Q You did not employ Russian prisoners of war?

A No, we did not. We had Ukrainians.

Q They were not prisoners of war?

A No.

Q What did the leading people at Leuna think about the employment of foreigners, which first of all was voluntary and later became, compulsion?

A From the very beginning we did not welcome this employment of foreigners, because, we had already had experiences at Leuna with the employment of large groups of people from the outside. In 1936 and 1939, around the turn of the year, we received some Sudeten Germans. About one month after the war began, we received the Germans from the Saar, who had been drafted for labor from the evacuated Saar region to Leuna. These people had to live in inns or in barracks, they had to be fed all together and that is never very nice. Both the Sudeten Germans and the people from the Saar of course always yearned to get back their homes. Therefore we assumed from the beginning that foreigners would have this attitude even more intense by that they would be even more home sick, than the people coming from the German regions. But as more and more German workers were drafted for the Wehrmacht and as during the war we had to enlarge our production by reason of various government orders, we had to use foreigners, since other workers were no longer available. But we didn't like to do that from the very beginning.

I can say a little more. There were other misgivings that we had for technical reasons. Production in such an ultra-modern chemical plant as was Leuna begins with coal and runs through a very complicated mechanism to the finished product. The entire production is an assembly line, a chain. If any link in this chain is eliminated, the entire production is paralyzed. We assumed that because of the language difficulties, the possibilities of interruption of production, which are always present in such complicated processes, would even be greater than if we had worked with Germans.

THE PRESIDENT: Counsel, may I offer the observation that in every long law-suit there comes a time when certain facts are pretty apparent to all concerned and about which there is not much controversy. You gentlemen of the prosecution and the defense can save a very great amount of your own time as well as ours if you can agree that there is no controversy about certain facts; that we take them as undisputed; and we invite you, when counsel for one side gets into a subject of that kind and counsel on the other side can conscientiously do so, if you can just indicate a stipulation that there is no controversy about such things; it will save a very, very considerable amount of our time that can be put to better use. Now, we know from two or three witnesses that the defense is relying upon the proposition that the employment of these foreign laborers was not desirable because of language and also because of the danger of sabotage. Now, not much would be accomplished by repeating that. Certainly we have no right to refuse the defense the right to make a showing within a reasonable number of witnesses, but we just suggest to you that where matters of that kind have been gone into by two or three witnesses, it really is a waste of time to reemphasize it and where you can stipulate it and get it behind you, it will save our time very, very considerably. We're not asking you to make any commitments except what you feel you can, which, voluntarily do in the interests of conserving your time, after all, is ours as well.

MR. SPRECHER: The prosecution will stipulate as follows: Firstly, in a complicated production plant such as Leuna, an interruption to one part of the production process is very likely to be an interruption to the entire production process. Point two, foreign laborers brought to Germany are not likely, in most cases, to be as efficient or as desirable from the point of view of management as German laborers who have been trained on the spot and who know the work in the complicated factory much better than foreign laborers do.

THE PRESIDENT: I'm not suggesting, but I don't know whether

you want to include the language and the dangers of sabotage proposition or not. Do as you please about it.

MR. SPRECHER: Point three, when the nationals of a country which is still at war with Germany are brought to work in a plant within Germany, it is obvious that chances for sabotage are greater than if such nationals were not so employed.

THE PRESIDENT: Very well. That is enough. Now, let me say this to all counsel for all defendants, that in view of the prosecution's stipulation we have heard the last we expect to hear on those subjects in the course of this trial. That's a closed book now, and it will not be necessary for any of counsel for the defense to re-cover that territory.

Now you may go ahead, Dr. Dix.

DR. DIX: Very well. I really wanted to ask a question that I believe may not yet have been sufficiently proven by one witness, and that is the question as to whether or not sabotage actually occurred. I don't know whether I may.

THE PRESIDENT: Very well. That's entirely proper. You may ask that.

BY DR. DIX:

Q. Well, Dr. Kaeding, what happened? Did sabotage actually occur, and how was the output of the workers? Be brief. Other people have already made statements. Just give us generally your opinion.

Mr. Schneider has already confirmed this, as well as others.

A. No. In Leuna there was no sabotage.

Q. What about the output of the foreigners?

A. Their production output can be termed good in view of the circumstances.

Q. Did you see any camps, Dr. Kaeding?

A. Yes, I did see some. I did not see all of them, because we had a large number.

Q. Quite briefly, what do you have to say about them?

A. At the height we had sixty camps from small ones of about 50 up to big ones of 1500 men. Some camps were barracks camps that had been newly erected, equipped with all hygienic installations, modern kitchens, etc., medical facilities. We also had rented hotels. In the city of Halle we had rented various hotels that had been furnished for housing for these people.

Q. Can you tell me quite briefly...

Your Honors, I am going to put a leading question in order to shorten the proceedings.

Dr. Kaeding, can you confirm to me that part from the original exceptions for the Eastern workers and Poles, the treatment of foreign workers in regard to salary, working hours, and such, was the same as that of the German workers in Leuna?

A. Yes. That was true. Working hours had to be the same. It couldn't be handled any differently. Germans and foreigners worked together, and it would have been impossible to have different working hours for them. It is true that it fluctuated. It amounted to about 53 hours per week. During the war the length of the working time depended on transportation facilities.

Q. What were the general conditions in the plant in regard to the hygienic, technical conditions of work?

A. Leuna was a modern plant. It was a modern chemical plant. There was no heavy physical work to be performed. One can certainly say that working conditions at Leuna were very good.

Q. Can you make any additional statements? Tell us to what extent Dr. Schneider took special care of the foreign workers.

A. From the first day that foreigners came to the plant Dr. Schneider cared very intensively for these foreigners. Since he could not visit the camps every day himself, he appointed a rather large staff of experts representing the various fields that had to be taken care of, such as pay, food, housing, etc. These people reported to him regularly,

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daily. I believe that he was therefore at all times well informed about the foreign labor question, so that no doubt nothing was left undone that could possibly be done for them.

Q. Did he try in that connection to obtain suggestions from the outside?

A. I know that from time to time various gentlemen were given the mission of comparing conditions in other Farben plants or other chemical plants to compare the living conditions, working conditions, housing, food, etc., so that all experiences available in this field could be utilized at Leuna. Before that time there had been no such institutions.

Q. Dr. Giessen confirmed - and you also said that in some connection - that after the air raids Dr. Schneider always took care of the foreigners. Can you give us any specific facts in this connection?

A. I can say that to take care of the reconstruction work after the air raids he had appointed me. I know that after the air raids he was informed about the extent of the damage, which was usually possible one hour after the air raid. From that time on he cared exclusively for the foreigners. He inspected the condition of the camps which -- like our settlement -- were close to the plant and which therefore were very easily destroyed when the plant was attacked. He informed himself about the conditions of the camps, the transport available, etc. To illustrate this whole picture perhaps I can tell you that one time he reproached the head of this department who saw to his own house first of all after the air raid before he took care of his duties.

Q. What was the loss of life that occurred during the air raids in Leuna, in particular in regard to the foreigners?

A. As far as I remember, the number of deaths from air raids at Leuna amounted to about 300; 60% Germans and 40% were foreign workers. The number is very high because the first two air raids, and especially the first air raid, of course came as a surprise, while the plant was operating at full speed and everybody was at his place of work. During

these two first air raids I believe I remember that we had 190 deaths altogether, and the remaining 110 deaths occurred during the other 22 or 23 air raids that we suffered. During the last attacks, largely because of carelessness.

Q. Who was responsible for closing the plant when enemy planes approached?

A. You mean stopping production?

Q. Yes, because the plant was in full operation.

A. The plant management did that, in cooperation with the antiaircraft headquarters that informed us about the position of the airplanes and then it was decided whether we were to stop work or whether we were to keep on working.

Q I was informed that the military agencies decided whether the plant was permitted to stop work or not.

A Yes. I said that that was done in agreement with the anti-aircraft headquarters. That was a military agency.

Q What was the reason that production was still going at full speed?

A I believe the first two air raids on the Leuna plant were unprecedented. The warning for the civilian population arrived late. We thought at the time that the military were surprised.

Q The civilian population was also warned too late?

A Yes.

Q What was done about the dead? I am of course particularly interested in knowing what happened to the foreigners.

A The plant conducted funeral services for the foreigners, separated according to nationalities. Dr. Schneider did that because the Party wanted to do these things and used these occasions for demonstrations out of consideration for the feelings of the foreigners. Dr. Schneider arranged to have the plant conduct the funeral services for the foreigners. A gentleman from the plant management representing Dr. Schneider always participated in these services, so that people outside could know this was an official ceremony conducted by the plant.

Q Now, I come to another subject. You have already mentioned that prisoners of war were also working at Leuna. Where were these people working in particular -- what places of work were assigned to them in particular?

A The PW's were first working in the construction department, but very soon we had prisoners of war working in the plants. During the entire time of their presence at Leuna they were in the forges and in the work shops.

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A The PW's were first working in the construction department, but very soon we had prisoners of war working in the plants. During the entire time of their presence at Leuna they were in the forges and in the work shops.

Q How was the commitment of labor controlled, that this employment of workers was in conformity with international law? What do you know about that?

A I know that the places of work were inspected by the officers of the camp from which the prisoners of war had come, so that they could check on the observance of the Convention. I know of no case where any difficulties arose because of the place of work or that prisoners of war were working anywhere where they violated international law. I believe that only two plants at Lemna could have been in this category. That was the Iso-octane plant and the lubricating-oil plant. Both of these plants were so-called secret plants, however, where the employment of prisoners of war would have been out of the question anyhow.

Q This is another new subject. What do you know about the convicts? About their employment, the conditions of work, etc.?

A As far as I remember, from the end of 1943 on we had to employ prisoners. The employment of these prisoners was demanded by the Gestapo. I mentioned a short while ago that the relations of the plant with the Party and with the Gestapo and the SS were not at all friendly. I do not believe that it was possible, when the Gestapo demanded that these people be employed, for us to refuse. I know that Dr. Schneider had originally rejected the whole idea, but that the Gestapo finally got their way. It was not possible to refuse this.

Q Do you know anything, Dr. Kaeding, about the circumstances of the disaster in the von der Heydt Mine and what Schneider did in this connection together with Dr. Strombeck?

A In order not to have these E prisoners working in the plant, we had them engaged in our dumps. Shortly after they were there employed, a few deaths occurred. The SS asserted that these deaths were caused by poisoning by some product among the rubble in the dump. For decades before we had no such experience in this same work in the dumps; there

must have had another reason. Dr. Schneider ordered an investigation. It was found that these dead people were undernourished, so that we were able to see quite clearly that these people could not be employed in the dumps. First of all, we had a lot of trouble with the SS in that respect. It wasn't even easy to have the autopsies performed on the corpses. Finally we were able to arrange to have the prisoners fed better. By the way, these prisoners only worked for us, but they were housed in a camp with which we had nothing to do, and we had nothing to do with their food, either.

Q Did any other deaths occur?

A No. Later I did not hear of any more.

Q Were you also at Auschwitz, Dr. Kaeding?

A I was at Auschwitz three times.

Q You saw the concentration-camp inmates, did you not?

A Yes, I did.

Q What impressions of these prisoners did you have at the time?

A When I came to Auschwitz for the first time, in May 1943, I saw the inmates individually or in groups moving about in the plant. They were not guarded. The plant was surrounded by a fence at the time. At the gates, it is true, there were SS guards, but I do not remember any more that the inmates were guarded by SS men in the plant. They were doing construction work. I remember for instance that a cable was transferred from one place to another. I remember that because I saw that as many people were engaged in this work as could possibly work on it. At any rate, there were many more than would normally be required for such work.

Q What do you think was the reason for that?

A Well, I believe that these prisoners really didn't like to work; work that is not done voluntarily is done badly.

Q What was the physical condition of the inmates at the time, in 1943?

A. The condition -- the external appearance, at any rate -- was similar to that of the workers of the plant in which I am today. Some of them looked fairly good and others much worse. The greyish color of the face some of them had, apparently connected with the type of imprisonment they were subjected to. We have 100 convicts in our plant that come from a prison, and I notice the same grey color in those people as the concentration-camp inmates at Auschwitz had.

Q. Did you observe any mistreatment or cases where those people were driven to work in a ruthless manner?

A. No, I didn't see anything like that.

Q. You have in the meantime no doubt heard of the so-called selections. That is, the choosing of certain inmates for transport or gassing. Did you ever hear that such was undertaken in the Monowitz camp?

A. No, I never heard that.

Q. I did not hear the answer.

A. No, I never heard anything about selections.

Q. Did you see the Monowitz camp from the outside or did you visit it?

A. Yes, I passed it on the outside several times. It made a similar impression as did all the other camps at Auschwitz. As I heard later, it was originally built for an entirely different purpose. I noticed that it was surrounded by a high barbed-wire fence, and then the camp, was, of course, guarded by the SS.

Q. You were there only three times. Did you see any abuses in the Monowitz Camp or hear anything about conditions in the concentration camp Auschwitz?

A. No, I heard nothing.

Q. Hadn't you previously heard something about unpleasant conditions in the concentration camps?

A. No, I cannot remember that I ever heard anything like that, apart from general rumors. Of course I knew that it wasn't very pleasant to be in such a camp. I myself have an acquaintance who was in a concentration camp before the war for three months. I have not been able to this day to find out from him what he experienced in the camp. He refuses to tell me. I only know something that is really less than a rumor.

Q. I really have no further questions myself.

BY DR. SEIDL: (Counsel for the defendant Duerrfeld):

Q. Doctor Kaeding, you testified that you were in the Auschwitz plant of Farben three times.

A. Yes.

Q. Would you please tell us for the record when you made these visits?

A. The first time was in 1943. The other two times were during the first half of 1944.

Q. What impression did the construction site make on you? Was a lot of manual labor done or was the work mechanized to a large extent?

A. You can say that Auschwitz was a very modern plant in that regard. The work on the construction sites had been mechanized to a large extent. I remember, for instance, the unloading of cement. It was shipped in on a special train and air pressure unloaded the cement from that train. I had never seen that before. The cement flowed out from the car that had special equipment from the Polysius

Q. You were there only three times. Did you see any abuses in the Monowitz Camp or hear anything about conditions in the concentration camp Auschwitz?

A. No, I heard nothing.

Q. Hadn't you previously heard something about unpleasant conditions in the concentration camps?

A. No, I cannot remember that I ever heard anything like that, apart from general rumors. Of course I know that it wasn't very pleasant to be in such a camp. I myself have an acquaintance who was in a concentration camp before the war for three months. I have not been able to this day to find out from him what he experienced in the camp. He refuses to tell me. I only know something that is really less than a rumor.

Q. I really have no further questions myself.

BY DR. SEIDL: (Counsel for the defendant Duerrfeld):

Q. Doctor Kaeding, you testified that you were in the Auschwitz plant of Farben three times.

A. Yes.

Q. Would you please tell us for the record when you made these visits?

A. The first time was in 1943. The other two times were during the first half of 1944.

Q. What impression did the construction site make on you? Was a lot of manual labor done or was the work mechanized to a large extent?

A. You can say that Auschwitz was a very modern plant in that regard. The work on the construction sites had been mechanized to a large extent. I remember, for instance, the unloading of cement. It was shipped in on a special train and air pressure unloaded the cement from that train. I had never seen that before. The cement flowed out from the car that had special equipment from the Polysius

firm. One could actually see the cement flowing out like water.

MR. SPEECHER: Perhaps a stipulation will help here, if that is all right with Your Honors.

THE PRESIDENT: Yes, surely.

MR. SPEECHER: We will stipulate that at one time or another there came to be in many parts of the I.G. Auschwitz site a great deal of machinery and that it was a highly mechanized plant. The question from our point of view is who was using the machinery and what was left for the concentration-camp inmates to do.

THE PRESIDENT: Very well, counsel for the defendant. Now you have the benefit, for whatever it may be worth to your thinking, of the prosecution's stipulation, and please do not go into that territory. You may go ahead.

BY DR. SEIDL:

Q. Well, Mr. Witness, the prosecution contends that the inmates had to carry cement bags on the double. Did the cement factory not obviate the necessity of transporting cement?

A. I cannot say. I do not know that. The amount of cement that was moved there was very large. I do not know the cement requirement of Auschwitz. Whether perhaps cement had to be unloaded by hand in addition I do not know. I didn't see it.

Q. For what length of time have you known the defendant Dr. Duerrfeld?

A. I have known Dr. Duerrfeld almost from my entry into the Leuna Plant in 1934.

Q. What impression did you gain from Dr. Duerrfeld's personality as far as his technical and social welfare work is concerned?

A. Well, I can say that Dr. Duerrfeld is an excellent engineer. He was the chief engineer of the department to which I belonged. I was therefore able to observe his technical qualifications and his manner of working very closely for a number of years. Apart from that, his

organizational talent is excellent; this talent enabled him to organize the large construction site of Auschwitz. I must also say that from the earliest time that I have known Dr. Duerrfeld I noticed that he took the part of his engineers and machinists in a very cordial way. I know that his attitude, his social welfare attitude, was the reason why, from the very beginning, he took care of these social welfare institutions on the construction site at Auschwitz--that is he took care of the building of barracks --I mean living barracks -- modern kitchens. We even had our own large butcher shop that he showed me when I visited the place one time. At any rate, the institutions that he created in the social welfare sector were undertaken on a scale in Auschwitz as no other construction site that I know ever had them, and I have visited a large number of construction sites before the war and during the war.

Q. I turn once more to your observations of the Auschwitz plant of Farben. You testified that many machines facilitated the work there. I ask you now: did the inmates work only on specific types of work or did they work together with the German workers and with the free foreign workers?

A. I saw them working segregated in groups, but I also saw them working together with German and other free workers.

Q. I have no further questions.

THE PRESIDENT: Thank you, Doctor. Any further interrogation of this witness by the defense? The prosecution may cross-examine.

CROSS EXAMINATION

BY MR. SPEECHER:

Q. Dr. Kaeding, would you please very briefly, say who you worked under between 1934 and 1944 in the Leuna plant. Just mention who your immediate supervisors were.

A. Dr. Kopper, Dr. Langheinrich, and Dr. Schneider, from 1944 on.

Q. All right. Now these two supervisors of yours before 1944, who

were they directly under?

A. They were under the direct supervision of the plant management.

Q. And who was that?

A. Dr. Schneider, Dr. Buetevisch,.....

Q. All right. Now, what department did you say you worked in?
In 1934?

A. In the high-pressure department. Just a moment. For a short while I worked in the experimental department.

Q. And when did you get out of the high-pressure department?

A. Approximately Easter, 1935.

Q. Are you a director yourself?

A. No.

Q. Are you a Prokurist?

A. I have authority to conduct the business-Handlungsvollmacht.

Q. As such, did you know anything about the nature of the directives which Dr. Schneider and Dr. Buetevisch received from the government authorities, or didn't you know anything about that?

A. I believe that my previous answer was misunderstood. I thought you were referring to my present position. I had no right to sign in Leuna at all.

Q. You weren't even a Handlungsbevollmachtigter in Leuna, is that right?

A. No, not in Leuna.

Q. And that was up till the end?

A. Yes.

Q. Well, as such did you know anything before 1944 concerning the nature of any directives which Dr. Schneider or Dr. Buetevisch got from the government in connection with rearmament. Did you know anything about that?

A. I didn't understand your question, because the rearmament was of course, in 1935 or 1936. In 1944....

Q. Well, did you know anything about the orders and the directives which were worked out for Sparte I or for Leuna in connection with rearmament, apart from general word of mouth around the plant? Did you see any of the directives yourself?

A. No, I did not see any directives.

Q. Do you know or did you know of the duties of the G.B. Chem., that is of Professor Krauch, in the Reich Government before 1939? Did you know that or didn't you?

A. I didn't know them so that I could explain them to you now legally correctly.

Q. Did you know at that time whether or not Sparte I in its field of production and research was meeting the general requirements of the Krauch or Marinhall Plan, which had been worked out before 1 September 1939? Did you know about that?

A. No.

Q. Do you know why the Leuna Plant was a so-called G.B. Chem. plant before 1 September 1939?

A. Yes. The big plants had to be steered by the government. We were an armament plant. We had to receive our quotas from some agency and that was the Plenipotentiary General for Chemical Production. The G.B. Chem. also had to decide on certain questions of production.

Q. When did the Leuna Plant cease to be a G.B. Chem. plant, if ever? Did it ever cease to be a G.B. Chem. plant, in 1944 or the early part of 1945, so far as you know?

A. No, I do not know.

Q. Now, you mentioned that Dr. Schneider, as the head of the biggest plant in Central Germany, had regional offices in other parts of Germany. For what purpose did these exist? Tell us very briefly?

A. I did not say that there were any regional offices outside of Leuna. That cannot be so; I did not say that.

Q. Now, you mentioned a Jewish employee that died in Sachsenhausen. When did he go to this concentration camp Sachsenhausen, do you know?

A. Yes, I know that. In November 1939.

Q. Do you know when he died there?

A. Approximately March 1940.

Q. When was it that General Unruh and the SS officer appeared at the Leuna plant in connection with some kind of investigation, as you have testified? What year?

A. As far as I can remember, it was around the middle of 1943.

Q. Were you present at any of the discussions with the general or these SS officers, yourself?

A. I heard about them shortly thereafter.

Q. When did you see the first barbed wire around workers' camps, around any of these sixty workers' camps at Leuna?

A. That was at the time when we received Eastern workers. The Eastern workers' camps had to be fenced off with barbed wire temporarily.

Q. You testified that there were certain so-called free French workers at Leuna. Did you ever talk to any French worker who said he had not come to Germany voluntarily?

A. I myself did not employ any workers.

Q. Did you ever talk to them about how they happened to come to Germany?

A. No.

Q. Thank you very much. Now, the location of these barracks -- did you say that it was close to the Leuna plant or far away from the Leuna plant?

A. That differed.

THE PRESIDENT: About how far were they, Mr. Witness, and that will probably save time. If you say they are close or long, then it will be how far, so let us just get to the point. Can you tell us about how far

they were from the camp?

A. The camp closest to the plant was about 500 meters distant, and the farthest was about 20 kilometers away.

Q. Now, in view of the nature of the Louna's production during the war, was there talk among people like yourself, that is, of similar rank and title to yourself, in Louna, about the likelihood of an eventual air-raid after the war had broken out?

A. Yes, of course. We expected air-raids during the very first days of the war.

Q. Was there ever any talk among people of your own rank and station as to whether or not these foreigners who were there from abroad should be housed near to a plant which, according to the talk of the time, was likely to be bombed? Or didn't you talk about that?

A. No, we did not talk about that.

Q. Now, you made three trips to Auschwitz--I withdraw that question. What were the various nationalities of these so-called correction prisoners who you said that the SS requested Louna to employ? What were their nationalities?

A. We did not know that because we were not permitted to speak to these people. There were Germans, but also foreigners.

Q. You weren't one of those Farben employees who had anything to do about giving instructions to these workers as to what work they were to do, is that correct?

A. No.

Q. Now, how long were you in Auschwitz during those three visits you made to Auschwitz? Go into each visit. How long were you there the first time, the second time, and the third time?

A. The first visit lasted two to two and a half days, and the later visits lasted one day each.

Q. Why did you have to go to Auschwitz?

A. That was in connection with production planning. At Louna we

produced materials similar to those that were supposed to be produced at Auschwitz later.

Q. Did you walk around the construction site, or did you only go to a part of the construction site when you were there on these three visits?

A. No, I walked around the entire construction site.

Q. Did you ever see a concentration-camp inmate operating a crane or any of this big machinery you mentioned?

A. I cannot remember that at the moment. I don't know.

Q. Well, think about it just a second. Do you recall having seen any concentration camp inmate doing skilled work on any of the machinery or with any of the machinery? Give us an example.

A. I saw that inmates were employed in the forges for instance.

Q. That is one shop, isn't that true?

A. No, in various workshops, not only one.

Q. And they were working at the forges in these various shops, is that right?

A. Yes. I also saw inmates working in offices.

Q. Well, let us not talk about the office inmates for the time being. Let us just talk about the workers who were manual workers or skilled workers outside the offices.

Now, did these people do generally unskilled work or skilled work, so far as you saw?

A. I don't know how to express this. If an inmate is working in a forge, then of course he is probably doing some skilled work; otherwise he would not work in a forge.

Q. That is possible. Now, please tell me some other skilled work which you saw these people do, outside of the clerical workers?

A. At the moment I don't remember anything. Nothing has remained in my memory that I could cite as an example now.

Q. Well, to be perfectly frank and honest about the matter, isn't it true that most of the unskilled and most of the heavy work was done by the concentration camp inmates, so far as you could see, and not by the German

technicians? Isn't that fair?

A. It is probably true, that the majority of the inmates were doing work such as excavations and such.

Q. Did you ever visit the main camp of Auschwitz?

A. No.

Q. Did you ever hear any anti-Semitic remarks by any of the Jewish employees of I.G. Farben during those few days that you were there? Any anti-Semitic remarks whatsoever?

A. No.

Q. Did you notice that there were any particular number of Jews among the inmates?

A. There were many Jews, but there were not exclusively Jewish inmates that I saw working on the construction site.

Q. Did you ever smell the scent of burning flesh when you were in Auschwitz?

A. No.

Q. Did any of the German employees or officials there talk to you about the scent of burning flesh?

A. No, they did not.

Q. Did any of them talk to you about the turnover of the unskilled concentration camp workers, that is to say, the extent to which there were replacements of these unskilled workers from week to week and month to month?

A. No.

Q. There is nothing further.

THE PRESIDENT: Any redirect?

RE DIRECT EXAMINATION

DR. KAEDELING, resumed

BY DR. HELLMUTH DIX:

Q. Dr. Kaeding, I wanted to ask you about the camps for the foreigners near the plant. Were they constructed at the beginning of the war or only later?

A. I believe I said previously that we were first of all satisfied with housing the foreigners in inns, big halls, and such. Then we started to build the camp Gaswig, approximately one and a half kilometers from the plant, and then we built another camp.

Q. Was not the settlement in which the Germans, including Dr. Schneider lived also in the immediate vicinity of the plant?

A. That was even closer to the plant than the camps were.

Q. Wasn't it true that in 1940 and 1941, when the camps were built, one generally did not expect any air-raids any more, or that at least one could not have held any other point of view because officially it was declared impossible that air-raids would occur?

A. Well, during the war one could never say that it was impossible that Louna would be attacked.

Q. Well, not impossible, but as far as I know myself, in Berlin, in the beginning, one expected air-raids; when they didn't occur a large part of the population for a long time hoped that in central Germany it would not be bad. Was it not similar in Louna?

A. Yes, you can say that that was approximately the way it was. I want to add here that the camp of Gaswig, for instance, housed both foreigners and Germans. Those camps were model camps that were excellently equipped and Germans lived there as well.

DR. DIX: No further questions.

BY DR. SEIDL (Counsel for defendant Duerrfeld):

Q. Dr. Kneding, do you know that the plant management of the Farben plant at Auschwitz arranged courses for the inmates where they were supposed to be trained for skilled jobs: welders, machine shop workers, carpenters, mechanics, and so on?

A. I know that electricians were supposed to be trained, that there was an electrical shop where I remember that I saw inmates. I do not know that they were trained as welders, but I consider that quite possible. That is a type of work that can be learned quickly.

C. I have no further question.

THE PRESIDENT: Is that all with this witness now, gentlemen?

Then the Tribunal will excuse the witness from further attendance when we recess. We are about to recess, and we will remind the counsel of our conference in the adjoining room immediately after adjournment.

The Tribunal will now stand in adjournment until nine-thirty tomorrow morning.

(Witness excused).

(The Tribunal adjourned until 0930 hours, 25 February, 1948.)

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 8

Target 3

Volume 22, p. 7,605-8,043

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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Official Transcript of Military Tribunal VI, Case VI, in the matter of the United States of America against Karl Krauch, et al. Defendants, sitting at Nurnberg, Germany, on February 25, 1948, 0930, Justice Shake Presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI.

Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Mr. Marshal, make your report.

THE MARSHAL: May it please Your Honor, all of the defendants are present in the Courtroom except the defendants Krauch, Ambros, Haefliger and Buetefisch.

THE PRESIDENT: The defendants named have been excused at their request. Are there any announcements from you, Dr. Boettcher?

DR. BOETTCHER: No, Mr. President.

THE PRESIDENT: Has the Prosecution anything?

MR. SPEICHER: No, Mr. President.

THE PRESIDENT: Then you may resume, Dr. Dix.

DR. DIX: Today I call the witness Paentek. It has been my intention to get a witness from every walk of life: Dr. Gieszen as the person under the Vorstand, Dr. Kaeding as a chemist and assistant, and Mr. Paentek is a man from the workers.

THE PRESIDENT: The witness will remain standing for the purpose of being sworn, give his name and repeat the oath after me.

ERNEST PEANTEK, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

A I, Ernst Paentek,

I swear by God, the Almighty, and the Omnipotent, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

Your witness is with you, Doctor.

DIRECT EXAMINATION

ERNST PAENTEK

BY MR. HELLWUTH DIX:

Q Mr. Paentek, you know that the yellow light means to speak more slowly, and the red light means that you have to stop altogether.

Give your present residence.

A Krefeld - Uerdingen, Weilerstrasse 16.

Q What is your present position?

A I am foreman in a machine shop of the plant.

Q You were in Leuna, and what was your position there, and for what length of time were you working there?

A I was in Leuna from 1921 on, where I was Superior Meister in a machine shop. Our main task was to install machinery apparatus and pipes in the new constructions. I had about 1200 men working for me.

Q Why did you leave Leuna?

A Because the conditions after the war and the manner of working were no longer liked by me, and I preferred working conditions in the West.

Q For what length of time have you known Dr. Schneider?

A Since 1921, the time that I had been in Leuna.

Q Can you tell us anything about his personality?

A Yes, Dr. Schneider was not "an unapproachable man", - an unapproachable plant leader. He was closely connected with the workers, and knew his way around, although the plant was very large. As far as I know, he always explained to the workers when they were called for roll call, that they should approach with their complaints unhesitatingly, and I know many cases where Dr. Schneider did help.

Q Do you know whether in the plant in which you were working, the party affiliations had played any part in the case of promotions?

A I can only tell you as far as I know it from my own experience, and there I cannot answer that question in the affirmative. We had quite a large shop, as I said before, and we had 1000 men working there.

There were 25 masters and from these, only about 8 or 9 were in the Party. I felt that the plant, - and that included Dr. Schneider, - stresses achievement most of all. I do not know about the other plants.

Q Can you give me a few personal cases?

A Yes. I myself was not a Party member either. During the depression I had been laid off, and I was re-hired in '33 or '34, and in 1940 I was even promoted to Superior Meister, (Obermeister). Then I know an other case when a very good machinist who had become unemployed through the depression was re-hired in 1933, and after a little while he had to be dismissed, some political authorities exerted some pressure; that was the way it was around that time, but nevertheless, we could not keep that man, and this particular person was a Communist, and he had allegedly distributed leaflets but he was nevertheless rehired after about 8 or 10 weeks. This man was promoted to become a Meister in 1940.

Q Dr. Schneider took care of these things personally, didn't he, - promotions to Meisters, and so on?

A Well, if you speak about the plant leadership, I guess he has to do such things.

Q Were there any foreign workers working during the war in your plant?

A Oh, yes, quite a lot.

Q Who were the first ones?

A The Dutchmen came first.

Q And who came afterwards?

A French prisoners of war were the second ones. There were students and other people who had no idea of our work, - young people.

Q What happened? How were these two groups treated and how did they become used to conditions?

A Oh, a lot of noise was made about these prisoners of war before they came in. The prisoners were briefed by the prisoner of war camps. First of all they told how we were to work with these people; the relations

with the foreign workers we were instructed about. Then we were told about sabotage or espionage.

Q What did these prisoners of war work at?

A I had about 60 prisoners of war at that time. The Stalag, the Prisoner of War camp leadership demanded that we should have these people work in a close group, but we were not able to do this because in a machine shop two or three men have to work together, and despite this prohibition, we had to put these people to work separately and had them work with the Germans altogether; because of the fact that these people did not know their way around in the shop it was difficult in the beginning, but after a little while we picked out those young people who were interested in the work and the plant issued directives how to retrain these persons. That was done in about two or three months, and then we treated them just like the other foreigners. They were working as machinists for an incentive we planned at the time. These people were paid by the Prisoner of War Camps, and we had a so-called piece-work system. These people were permitted to participate in that. After about one month they received their 30 or 40 marks on top of their salary, that they could dispose of. Then they were also given an achievement premium, cigarettes and so on, every month.

Q Did you have Russians later?

A Yes, but no prisoners of war. The Russians that we got were agricultural workers, they came from the Ukraine. One had the impression that these people had not come voluntarily.

Q How did they get accustomed to conditions, and how were they treated later?

A Well in the beginning these people were not so well nourished. They had been on the way for a long time. They had suffered deprivations, and their clothing was very poor, but we could help them a little, gave them shoes, and as time went on, they also got accustomed to conditions.

Q What was their nutritional condition later?

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A Well it improved. Perhaps I should tell you that in the beginning we had some women, -- Russian women, -- who had become accustomed to our conditions so well that we could not even tell them apart any more from the French women. They used lipstick and everything was all OK.

Q. What was the relationship of the men and women among the foreigners during these years?

A. What do you mean?

Q. How did they communicate with each other?

A. Well, at times they were very intimate with each other.

There were a lot of prohibitions, but they did not stick to these regulations. I was able to find out that they stuck together. They felt a certain solidarity for each other. It did happen that they were punished, but not very frequently, but I cannot tell you that they were seriously punished for any traffic they had together.

Q. They were treated very liberally?

A. Well you couldn't really punish them severely anyhow.

Q. Did they get any vacations, not the PW's, -- these foreigners?

A. Yes.

Q. How was that done?

A. All of the foreigners got vacations with the exception of the Russians. In the beginning there was a difference made between married and unmarried ones. I believe that the married people could go home and the single ones could take a vacation after one year when they had done their duty themselves, but by the fact that they got vacations a lot of them didn't return, and later, we had the so-called "furlough" trains. These trains went to France, and as time went by the difficult railroad conditions made it impossible, and they stopped altogether.

Q. Sometimes whole trains went from Leuna to the various places?

A. Yes, these trains came back also, as a group.

Q. Can you tell me anything as to how these workers spent their leisure time?

A. I didn't concern myself so much with that, but as I heard at the time, they had all sorts of affairs in their camps. They had variety shows, parties; there were a lot of artists among these people because they were mixed, coming from all walks of life, and the civilian

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foreigners could move about freely. I remember that in the beginning, the Russians bought out all of the shops.

Q. Were there any severe steps taken at any time in Leuna against the foreigners?

A. No, I really cannot say that; so far as I could see this from my own shop, I cannot say that. What do you mean really by "severe"? You could not be severe with these people because they were mixed with our own people, and all speed and types of work of course could not be -- we could not afford to be severe with them. We never had it demanded that foreigners should do anything different. They always did the same as the other Germans did.

Q. Were any of your foreign workers ever reported to the Gestapo in your shop?

A. Yes, I know of two cases.

Q. Can you describe these cases?

A. In both cases there people were Czechs. One of them, allegedly, when he went home on the train, and when there were large crowds all trying to get in -- apparently had scolded a German woman and somebody had gotten excited about it and demanded this man be reported, and the man was punished.

Q. That has nothing to do with the plant?

A. No, this happened outside of the plant.

Q. How about the other case?

A. The other case also was a Czech. There were convicts also in the plant, composed of various nationalities, and one Czech who was working in our shop on the lathe, had probably delivered a letter from these convicts. These convicts were all guarded by certain officials, and apparently he had delivered a letter to one of these convicts and one of the SS men who had it in for foreigners reported this case, and that man was also punished. He was sent to one of the corrective companies -- the E company.

Q. The report was made by the SS man?

A. Yes, that SS man went to his competent authorities and that report was passed on from there.

Q. You do not know of other cases in which foreigners were reported?

A. No, I did not worry about that. The type of my activities, of course, required that I walk around the plant, because I had to do work in the various shops, but I would not know anything of that kind.

Q. At any rate you know of no case where one of the leading personalities, the plant leader or department chief passed on any reports; you know of no such case?

A. No, I can say this in that connection. In my position as Superior Meister, so to speak, the liaison between the ranks and the Plant leaders, I was able to speak more freely, but I feel that most of the plant leaders did not want to have to do with such trifles. I always felt that the plant leaders did not push himself forward, or urge that he wanted to catch anybody. He certainly did not want to bother with that stuff.

Q. Do you know anything about mistreatment of foreigners?

A. No, I don't know anything about that.

THE PRESIDENT: Anything further from the Defense?

The Prosecution may cross-examine.

CROSS EXAMINATION

ERNST PEANTEK

BY MR. SPEECHER:

Q. How many foremen did you have under you, Dr.?

A. How many foremen; is that what you asked?

Q. Would you repeat the question?

(Question repeated by interpreter)

A. 5 or 6.

Q. For what period of time was that?

A. All of the time that I was Superior Meister; since 1940.

Q. And before that, how many foremen were under you, if any?

A. In 1934 and 1935, I had two Meisters. Then the plant increased in size and in the course of time, I had 25 or 26 at the end.

Q. Now, did these prisoners of war who worked in the department with which you had something to do, walk around at their work without any guards from the OKW? From the Army?

A. In the beginning, as I said before, the prisoners of war were escorted to us with a guard. This guard then left and these people worked; all day long they were not supervised. They were supervised in the first few weeks, but afterwards that could not be done any more, and then the people were split up.

Q. Why couldn't it be done any more after a while? Because of the nature of the work they were doing?

A. Quite so. You must imagine that in a machine shop - at least in chemistry - it is customary that there are one or two machinists working together with one helper according to the type of work, the largest column or group of people is about 4 or 5. You have to realize that in our plant machine shop there are about 20 or 30 buildings in which these people work at various things, and it is impossible that if there is one prisoner of war, that he be constantly accompanied by a guard. That was impossible.

Q. Did the prisoners of war who acted as machinists do any different kind of work than the Germans who acted as machinists?

A. No, that could not have been done, they did the same thing. They just helped because they were no machinists, but the French prisoners of war later worked independently. The French worked on the same things as our machinists did. They could even work alone and at the same speed.

Q. Now talking about the French foreign laborers who were not prisoners of war for a moment, before the Russians came as foreign laborers, did you talk to any French laborer who told you that he had not come to Germany voluntarily?

A. No, I can tell you that very exactly. I took an interest in this thing at the time because we "Masters" had to maintain contact with our workers. I talked to these people at the time and they told me that the first civilian French workers came from southern France and they were hired by a recruiting agency. They were probably promised all sorts of things at the time with regard to salary and vacation. There existed.....

Q. Just a moment. I don't think you quite understood my question. Did any of them tell you that they had not come of their own free will but that they had been sent to Germany against their will?

A. Well, I can't really tell you that. You really couldn't talk to these people so well, but I really never asked them about that. I know really that the first were voluntary but I don't know whether the later ones were sent.

Q. That is all.

THE PRESIDENT: Any further questions of this witness?

Then Mr. Witness, you are excused. Call the next witness.

(Witness is excused)

DR. DIX: I call my witness, Dr. Weiss.

THE PRESIDENT: Bring in the witness, Mr. Marshal.

DR. DIX: I call this witness to testify about general questions.

DR. ALBRECHT WEISS: A Witness, took the stand and testified as follows:

THE PRESIDENT: Mr. Witness, you will remain standing for the purpose of being sworn. Raise your right hand. Say "I" and state your name for the record.

THE WITNESS: I, Albrecht Weiss.

THE PRESIDENT: And now please repeat after me the oath.

I swear by God, the Almighty and Omniscient, that I will speak
the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may be seated.

May I ask you, Mr. Witness, if the purpose of the yellow and red
lights before you have been explained?

THE WITNESS: Yes, your Honor.

THE PRESIDENT: Very well. The witness is with you, Dr. Dix.

DIRECT EXAMINATION

BY DR. DIX:

Q. Your present residence, Dr. Weiss?

A. I live in Heidelberg.

Q. Street?

A. Moltkestrasse 21.

Q. I have asked you to give two affidavits treating two different subjects. The first affidavit was to deal with the social welfare organization of Farben. These two affidavits bear Exhibit Nos. 36, that is Document No. 200 in Book IX, and Document No. 267 is Exhibit No. 37. They are both in Schneider Document Book No. IX. I asked you to render these statements because by reason of your activity you were especially suited to give this information, and it is now my intention to interrogate you as an expert witness upon questions of the labor law and your relations with Farben. For that reason, please tell us first about your career.

A. May I first make two small corrections in the first affidavit. On page 11 of Document No. 200, in the fourth line from the top, it should read 1934 instead of 1933. The Law regulating the National Labor Relations is from the 20th of January 1934. On page 13 where I

stated how many times according to the minutes, the individual gentleman participated in the enterprisary council, it should read on the third line from the bottom, 14 times instead of 15 times. Then quite generally perhaps may I be permitted to state that I found out that some concepts of labor law have been translated differently in each of the two affidavits. It would perhaps be good if one agreed on a standard translation of these concepts.

Q. Yes, that has been done to a certain extent by explaining the fact that "Betriebsfuehrer" should be translated as "plant leader", and "Vertrauensrat" is "plant counsel", and "Unternehmensbeirat" is "enterprisary counsel". Do you have anything to say in that connection? Do you have any other translation that you want to correct?

A. A misunderstanding might arise if you say "plant leader" for you don't take into account that the managers of the sales organizations were also "Betriebsfuehrers" and these organizations really have nothing to do with plants. They should be translated perhaps by a "store" or "shop". You can say the plant leader in a factory is a "plant leader", the "Betriebsfuehrer" there, but the "Betriebsfuehrer" in an administrative organization should be a "shop leader".

Q. But perhaps we better stick to the word "plant" because in German the word "Betrieb" originally means "factory", and later it was just used to include administrative or commercial things. The same refers to the translation, too. Then you still wouldn't get anything across. It isn't any good to change it once more. I believe if you use the German expression and the translation next to it -- but that might not be any good either because the German expression also changes. For "Betriebsfuehrer" is also a "managing director", and the legal expression really means that he is the leader of the enterprise; "the leader of the plant", but that is again "Betriebsfuehrer". Perhaps it's best to stick to the word "plant leader" and that is the legal concept that we have accepted here. In the Flick

trial, this person was also called "plant leader".

A. I should like to answer your question.

You asked me about my career. I have been extensively trained in law. For two years I have been practicing law as a lawyer, and from 1921 through 1945, I was Chief of the Social Welfare Department and later dealt with all questions concerning employees and workers in the largest Farben plant in Ludwigshafen. Besides that, from 1925 to 1945, I was an associate of the corresponding chief of the social welfare office, the central office of Farben. First it was called the "Soko Office" and later it was called "Buero Bertrams". I built up the Soko Office and directed it until 1933. Later in the case of the Bertrams Office, I dealt with special social welfare questions. Besides that, I also concerned myself scientifically with law legislation and social welfare legal questions, and on these things I taught at the Heidelberg University.

Q. It has been repeatedly confirmed that Dr. Schneider became the main plant leader because Leuna was the largest plant of Farben. Now you say that Ludwigshafen was the largest plant of Farben. Isn't it true that Leuna was the biggest individual plant, and Ludwigshafen-Oppau together were larger than Leuna?

A. Yes.

Q. You said that you held this position with Farben only until 1945. You don't hold this position any more now?

A. No, in the Spring of 1945 when the American troops occupied Ludwigshafen, all personnel chiefs and members of personnel departments in the industry in Ludwigshafen -- that is all those who had belonged to the Party -- were dismissed, and I was one of those.

Q. You were in the Party?

A. Yes.

Q. Why did you join the Party?

A. I joined the Party in 1937 because at the time we had agreed

with our chiefs, the plant leaders, and also with my colleagues, that it was necessary that personalities such as plant leaders and their social welfare advisors should belong to the Party, because these positions constantly had to deal with Party agencies and labor front agencies and constantly were concerned with settling tensions and frictions that had occurred. That could only have an effect if one belonged to the Party oneself, otherwise it would have been the case -- that is, if these plant leaders and social welfare advisors had not joined the Party -- that they would have been replaced in the course of time by more radical elements.

Q Had you any leading position or honorary position in the Party or its affiliated organizations?

A I had no leading position in the Party. In 1934, as a member of the Stahlhelm--that was an organization of participants in the First World War--I was transferred from this organization into the SA, and because of my professional position I was advanced to Hauptsturmfuehrer. But that was not a leading position. It was only an honorary position.

Q What rank would that correspond to in the army?

A That is a captain's rank.

Q For what length of time have you known Dr. Schneider? How long did you work with him?

A I have known Dr. Schneider from the end of the 20's when he participated in the meetings of the social welfare commission as the deputy of the then plant leader of Leuna. I came to go to Leuna frequently because a number of social welfare questions of Leuna were worked on from Ludwigshafen -- that is, housing and recreation questions.

Q What can you tell us about Schneider's person, especially about his human and expert capacity that he had in the positions as plant leader and later main plant leader of Leuna?

A Dr. Schneider was the classical plant leader, that is, he was an enthusiastic technical man and he was closely connected with his plant. He helped build it up and he was popular with his workers and well liked by them. What we colleagues esteemed in him was his simplicity, his objectivity, his frankness, his honesty, his unconditional honesty. Dr. Schneider did not like to have a big appearance on the outside. The excellent qualities of his personality were shown in the intimate circle of his associates and they were demonstrated during the negotiations with the authorities in other agencies.

Q Was Dr. Schneider also as popular with the Party as he was with his associates?

A I believe that the excellent qualities that I have just outlined did not make his work with the Party any easier. He insisted on what he

considered to be right, and during such procedure he probably exposed himself to the Party's criticism. It had been talked about that in the district where he was working, he was not called in or consulted, or given those positions, such as economic honor positions, that he should by rights have held as the plant leader of the largest enterprise. I remember that at one time he had to resign from a position in the Economic Group Chemical Industry because during a discussion with the representatives of the Labor Front, when they discussed training questions, he stubbornly maintained his point of view contrary to that of the labor front.

Q I believe, Dr. Weiss, that as we are now dealing with the factual questions, we can look at that sketch that you have made. That is the sketch that is connected with Document 200, Exhibit 36 in Book IX. Do you want to make any additions to this sketch or are we to make them later during the examination?

A I can perhaps state quite generally that the purpose of the sketch was to show the responsibility and the significance of Dr. Schneider as main plant leader, and to illustrate this clearly, I made a draft of this sketch at the time when the prosecution interrogated me about these things. The sketch shows clearly the difference between the dotted lines and the solid lines. The solid lines are to show the actual responsibility, and the dotted lines are to show the relationships of minor responsibility. One expression should be explained in advance. One line goes from the Office Bertrams to the left, connecting it with the factory, and that is called the "coordinating" line. This compares with the solid line leading to the right which is designated "Assigning." The German meaning of the word "Koordinieren" means much less than ("anweisen") "assign", Coordinating means merely to make it possible to act uniformly within the scope of a certain question.

Q I shall refer once more to this sketch. You have finished what you had to say?

A Yes.

Q In the beginning, I should like to ask you to explain the concept of "Betriebsfuehrer" which has been repeatedly discussed generally, and then in regard to Farben in particular. That is a very difficult concept that created difficulties even for many German jurists who did not deal directly with labor legislation law. What significance did this concept "plant leader" or "leader of the enterprise" have in the national socialist labor legislation?

A The plant leader is that person in the directorate of an economic enterprise that has to deal with the social welfare questions and has to represent the workers and also bears responsibility towards the responsible agencies of the state. As a rule, it is the entrepreneur who directs his own plant is also the plant leader.

Q What is the commercial law in regard to an enterprise such as Farben that is directed by a Vorstand composed of many people?

A In that case, the entire Vorstand is the leader of the enterprise, but since this has practical consequences that lead to absurdities, the Law regulating National Labor provides that one member of the Vorstand must be selected as the plant leader--the "Betriebsfuehrer"--in order to deal with and in order to be in charge of the social welfare questions of the enterprise.

Q Farben did not consist of one plant but of many such plants and administrative offices. You have already explained that in your affidavit about the social welfare organization, and you stated that in such cases one person was the enterprise leader or the main plant leader and was to be selected for these positions; in the case of Farben, that was Professor Selck until 1938, and afterwards, Dr. Schneider. What was the legal relationship between the local plant leaders of the individual plants and the main plant leader, and also with the Vorstand of the enterprise?

A In the national socialist labor legislation, the emphasis of social welfare policy was put on the individual plant. Therefore, the emphasis in carrying out social welfare work also rested with the plant leaders of the individual plants. These people were responsible to their

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workers when making social welfare decisions and also to the agencies of the state and of the Party in their own district. The responsibility of the main plant leader consisted only in those fields which touched several plants simultaneously. Apart from that, the main plant leader had to reserve the right of deciding such questions for himself. Only in such a case could he instruct the local plant leaders and give them directives.

MR. SPRECHER: Mr. President, we have two points.

First, with respect to a matter of stipulation so that perhaps we can be finished with this matter once and for all on the Hauptbetriebsfuehrer and the Betriebsfuehrer in the plants. We will stipulate to the correctness of paragraph 2 of Dr. Weiss' affidavit which is in evidence as Schneider Exhibit 36. Now, there should be one change in the English where it says, near the bottom: "There had to be appointed owner". "Owner" should be crossed out and "enterprise leader" should be inserted.

THE PRESIDENT: Now, Dr. Dix, can you agree with the suggestion of Mr. Sprecher with reference to that change in the text of your affidavit?

DR. DIX: Yes, "Enterprise leader" should be the translation of "Unternehmensfuehrer."

THE PRESIDENT: Very well. Now, you may continue, Mr. Sprecher, with your stipulation.

MR. SPRECHER: Well, that is the stipulation. Then I said we had a second point.

THE PRESIDENT: As I understand now you are stipulating the facts as set forth in paragraph 2 of the document with the change which has been agreed upon?

MR. SPRECHER: That's right.

THE PRESIDENT: Very well.

MR. SPRECHER: Now, my second point is this, Mr. President. Schneider Exhibits 36 and 37 were put in evidence by Dr. Dix and now the witness is talking about the same things that are contained in those affidavits. I can understand some cases where certain supplementations might be important, but if that is to be the case, we would like to be advised where Your Honors may think that is proper and agree to, it so that we can decide in advance whether we are expected to cross examine with respect to these affidavits at the time the witness is called, because we don't have time to read all of these documents before a witness takes the stand. However, if we are advised, then we would be in a position to

know whether we had to exercise our right of cross examination at this time or whether that can be done later before the Commissioner.

THE PRESIDENT: Now, as to the stipulation. Of course, Dr. Dix, you will understand that it will not be necessary for you to further substantiate the facts set forth in the part of the affidavit embraced in the stipulation.

Now, as to the other point raised by counsel for the prosecution, we assume also that you do understand that you should not use this witness to go over again the same matter contained in the affidavit.

With reference to the cross examination of the witness as to the documents, as to the exhibits, ordinarily the Tribunal would expect that to be a matter before the Commissioner. However, if the parties can agree that the witness is to be cross examined here, there would be no objection to it except a matter of consuming time that well might be conserved by letting the Commissioner supervise the cross examination.

Is there any reason, Dr. Dix, why, in due time, this witness cannot be produced for cross examination before the Commissioner?

DR. DIX: Well, in the case of my questions I took care not to deal with the same subject again that was set forth in the affidavit and if I have repeated anything, that was contained in the affidavit, it was only to make corrections or additions. What I have set down in writing I believe to better serve the purpose if it were in writing and certain other questions I thought to be plainer if they were brought out orally, but there is no repetition here.

THE PRESIDENT: Very well. We understood.....

DR. DIX: I would prefer to have this witness cross examined before the Tribunal, since it is important for all defendants what he has to say. It's not only my own client, Dr. Schneider, but the basis is given in what he says according to Court Three of the indictment.

THE PRESIDENT: Before the Tribunal determines that matter may I inquire whether or not there is any impediment to the witness appearing before the Commissioner subsequently if the Tribunal takes that view? I

understood that the witness lives at Heidelberg. He could come, if necessary, could he, for cross examination before the Commissioner?

Just a moment.--

Counsel, the Tribunal has decided that as to the cross examination of this witness with respect to his two affidavits, that is a matter that will be under the supervision of our Commissioner. We do not want to depart from the practice that we have established in that regard.

Now, just one thing further. The prosecution may determine for itself and advise the Tribunal as to whether it will cross examine this witness here orally as to his testimony or postpone the cross examination of his testimony here until the cross examination before the Commissioner and there cross examine for all purposes. If you do not make that election, you will be, of course, confined in your cross examination to the oral testimony of the witness here before the Tribunal and the matter of cross examining as to the affidavits will be before the Commissioner.

You may go ahead, Dr. Dix.

BY DR. DIX:

Q Please, Dr. Weiss, comment how the local plant leader worked together with his workers and employees; how the staff of workers and employees was represented according to the law regulating national labor?

A I said that the local plant leader was independent in making his decisions. Nothing changed this fact and the presence of the so-called confidential council did not change this fact either. This consisted of the plant leader himself and of a number of representatives appointed by him from among the workers and employees. He could delegate to them important questions, according to his choice, about social welfare matters and he could have them advise him. These representatives could not interfere in the plant leader's right of decision, however. The so-called Betriebsobmann, that is, the confidential agent of the Labor Front in the plant could express his opinion to the plant leader, but he could not influence that person's right of decision in any way and what applied to the local plant also applied to the main plant leader of the enterprise.

To this main plant leader, the enterprise advisory council was given. He formed this council from representatives of the local confidential councils that could only advise him, however. I stated this in my affidavit.

Q How many plants belonged to Farben?

A I cannot give you the exact figure now, but I estimate forty to fifty or perhaps even sixty locally independent plants or administrative units existed.

Q Who were the plant leaders of Farben? Were they only Vorstand members?

A No. The leader of the plant or the leader of a particular administrative unit was the Betriebsfuhrer as a rule. If this person was a Vorstand member, if any Vorstand member resided in that locality, then that position was usually given to the Vorstand member, but not always.

Q If, for instance, in Ludwigshafen, Leuna and Frankfurt, several Vorstand members resided in one place, who was then the plant leader? Was it the senior Vorstand member, the oldest?

A The Vorstand determined who should be the plant leader from among these people.

Q Can you name a few cases to me from the defendants where one of the Vorstand members in the locality was chosen to be the plant leader?

A In Leuna there were two Vorstand members, Dr. Schneider and Dr. Buetefisch. Dr. Schneider became the plant leader. It is a significant example that near Leuna there was a gypsum plant which had a technical significance that was of importance to Leuna because it supplied gypsum to the Leuna plant, but it was not Dr. Schneider who was the plant leader of that gypsum plant only sixty or eight kilometers distant. This plant had its own plant leader in its enterprise. An example for the fact that not the oldest Vorstand member became plant leader is given in the case of Ludwigshafen where Dr. von Knieriem was the oldest Vorstand member and also a member of the Central Committee, but he was not the plant leader. Rather, the much younger person, Dr. Wurster became the plant leader and

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he became Vorstand member at the same time with Dr. Ambros. A very striking case for the fact that Vorstand member and plant leader do not coincide was given in Leverkusen where after Dr. Kuehne's resignation, Dr. Haberland became the plant leader although he was not a member of the Vorstand, whereas Dr. Bruoggemann, a Vorstand member, was residing in the town.

Q. I now have a few supplemental questions in regard to this chart. I wanted to ask you about the formal statements that you make in your affidavit. How did Dr. Schneider in practice deal with the individual plant leaders and the individual plants in those fields that he had to issue directives in his capacity as main plant leader and also in other fields as far as he did issue any directives?

A. The connection between Dr. Schneider and the local plant leaders took place during the plant leaders' meetings, which Dr. Schneider conducted with ten or twelve plant leaders of the larger plants and administrative units in the forenoon of those days when the enterprise council convened in the afternoon. At that occasion the more important basic and current social welfare questions were discussed in the form of a report rendered by Dr. Schneider on Dr. Bertrams or myself and at that occasion the individual gentlemen could voice their particular problems.

Q. The plant leaders participated in the enterprise council meetings. This is not provided for in the law as such. How did this arrangement prove and what did the representatives of the workers have to say about this practice?

A. The representatives of the workers and also the plant leaders welcomed this cooperation in the enterprise advisory council which was not provided for in the law as such. The plant leaders could be quite sure in this way that they would be informed about the negotiations in the enterprise advisory council in time and that not one of their employees or workers perhaps might be better informed than they were themselves, and the representatives of the workers were very glad, as far as I could see, that they could get to know each other and that they could talk things over together. The cooperation symbolized the fact during the twenty years of the existence of Farben there were no serious tensions between the staff of the workers and employees and between the directorate of the plants.

Q. Not before 1933 either?

A. No. Not before 1933 either.

Q. In connection with your affidavit, Document #200, and the chart, I want to refer to a document of the prosecution in its 67th volume. This is an expert opinion rendered by Dr. Mannsfeld, a document offered as Exhibit #359. Do you know Dr. Mannsfeld and his position?

A. Yes, I know him very well. He was a ministerialdirektor in the Ministry of Labor and he was, so to speak, the father of this law regulating national labor.

Q. Mannsfeld explains the concept of entrepreneur in this expert opinion and in particular where such an entrepreneur is not working in the plant himself. I quote the following passage:

"First of all, the entrepreneur himself was liable for the fulfillment of this duty of social welfare. If he was not in the plant itself, however, and if he was therefore represented by a plant leader, then he was responsible for the choice and for the appointment of that particular man to his position and, by so doing, he was directly responsible."

You said that the emphasis of the social welfare work, according to the law regulating national labor, rested with the local plant leader. In your opinion, how does this quotation coincide with your opinion?

A. I believe no contradiction can be noticed here. Mannsfeld testified the basic rules which does apply to hundreds of thousands of medium plants where the entrepreneur is in the plant itself, is in charge of his own enterprise. Then it is, a matter of course that he is the plant leader in the sense of the law regulating national labor, but in composite large enterprises, as I said before, the plant as the cell itself, the small cell of the social structure, can no longer assume this responsibility and it is shifted to assume a concept of a larger enterprise where the worker gets in touch with the superiors in the smaller shops. Therefore, Mannsfeld says in the second sentence of the quotation that in those cases where the entrepreneur does not work in his own plant such as, for instance, the entire Vorstand of Farben could not work in the plants, that in such cases the local plant leader is responsible and that the entrepreneur - that is, the Vorstand in the case of Farben - can be responsible only for the choice of the proper person

for that position.

Q. And who was the representative of the Vorstand to a certain extent?

A. The local plant leader.

Q. No, I mean for the choice. Who was responsible for that?

A. (Unintelligible)

THE PRESIDENT: Dr. Dix, will you have the question repeated? I don't think the answer got on the record.

BY DR. DIX:

Q. You said, Dr. Weiss, that the Vorstand was responsible in the case of Farben for the proper choice of the local plant leader?

A. Yes.

Q. I asked you whether the Vorstand was represented when making this choice by the main plant leader, Dr. Schneider; whether the same applies to the Vorstand as applies to Dr. Schneider?

A. Yes.

MR. SPEECHER: May I interrupt? There's just one sentence here that I don't understand because of the last sentence that didn't come through, and that is whether or not there is any disagreement that thereby in these circumstances just described the Vorstand remained indirectly responsible for the conduct. If that's cleared up by stipulation or otherwise I think we can save a lot of trouble.

DR. DIX: That is even better formulated to represent my point of view than what I myself read just now.

THE PRESIDENT: Very well.

DR. DIX: Indirectly responsible is even more that point of view that I held than what I just brought out from the witness.

THE PRESIDENT: Would you like your recess at this time, Dr. Dix?

DR. DIX: Yes, please.

THE PRESIDENT: Very well. The Tribunal will rise.

(A recess was taken).

THE MARSHAL: The Tribunal is again in session.

DR. HOFFMANN (counsel for defendant Ambros): I must apologize. I have heard now that I am to see one of the judges. Unfortunately, I was busy with the Prosecution and couldn't come.

JUDGE HERBERT: I didn't get the complete translation but it will be completely satisfactory to meet after lunch, at twelve fifteen, if possible. Is that satisfactory with you, Dr. Hoffmann?

DR. HOFFMANN: Yes, your Honor.

MR. SPRECHER: Mr. Dubois and Mr. van Street have pointed out that possibly I misled both the Tribunal and defense by a remark I made just before the recess. I certainly did not want the Defense or the Tribunal to get the impression that with respect to this Mannsfeld affidavit which goes into the legal responsibility involving the Betriebsfuhrer and the and the Hauptbetriebsfuhrer and the Vorstand we thought the Vorstand was only indirectly liable; and we were making no stipulations. I was merely attempting to find out what the witness was challenging about this affidavit which touches that matter.

Now, I was trying to be helpful and, if I may start over, I would like, if possible, to understand whether or not the witness challenged the full sentence which begins:

"The employer himself was primarily liable for the social welfare of the workers. If, however, he was not in the plant himself and was, therefore, represented by a manager he was responsible for the selection and retention of the manager and thereby indirectly liable."

Now, of course, the whole context was important but I merely wanted to know what the witness was challenging.

THE PRESIDENT: Very well. The record will speak. You may continue, Dr. Dix.

BY DR. DIX:

Q I must make an explanation. You said, Dr. Weiss, that the selection of a local plant leader was in the hands of the Vorstand. This is correct in my opinion, too, and I put in an additional question which might

rise to a wrong picture. The concept of selection may be confusing. All I wanted to know is whether Dr. Schneider is to be considered in the same way as the enterprise theoretically. Factually in Farben the actual selection of the plant leader was handled through its various bodies. That was a factual settlement in the Farben: The Vorstand as the enterpreneur did that themselves and not Dr. Schneider.

A Yes.

Q I am now turning to another point. Referring to the chart, if you turn to the right side of the chart you will find that Dr. Schneider reserved himself the right in the field of social operation to issue directives to the plants. How did he deal with the execution of this directive?

A In the office Bertrams which was at the disposal of Dr. Schneider in his capacity as main plant leader there were extensive statistics available. This office Bertrams could control using these statistics, how and to what extent the plants were adhering to the directives of Dr. Schneider in the field of social policy. Apart from that Dr. Schneider by personal exchange of experience with the plant leaders had opportunity to ascertain how these matters were handled locally. He also knew his colleagues well enough and he could rely upon them generally to execute his directives with respect to social politics just as he had determined it.

There also would have been a possibility that in the enterprise council the local plant leaders would have complained if anything wrong had occurred. Dr. Schneider in his capacity as head of Sparte I repeatedly visited various plants and attended meetings and on such occasions he convinced himself there and then how matters were being handled.

Q I am once more turning to the chart and I refer you to the left side. According to the left side of the chart, the question of labor commitment does not belong to the questions in which Dr. Schneider reserved himself the right to issue directives because this is something that was reserved to the state. Is that true?

A Yes.

Q Was the reason and would it have been possible in this field of labor commitment that Farben could direct matters centrally?

A Long before Dr. Schneider became main plant leader and before National Socialism the question of labor commitment to an ever increasing extent was a task for the central administrative authorities. The labor offices before the Third Reich had predecessor in other kinds of governmental offices. The center of gravity of these lay in the individual labor districts; for instance, in the Ruhr territory, labor questions were handled quite differently from another province in the eastern part of Germany, which had agricultural orientation. Therefore, even before Farben was merged the settlement of labor questions was done locally only.

Q Was that true during the war also?

A Yes, during the war it was even more true because the labor had become of paramount importance and it had to be rationed in the same way as all other scarce goods. The plant leader on his own jurisdiction could neither hire nor dismiss a worker, and even if he wanted to change his work inside the plant from one job to another he had to have the approval of the labor office; at least, he had to report it.

Q And was that true of the local plant leader and if it was, of course, it was to an increasing extent true of the main plant leader.

A It would have been impossible for the main plant leader to steer these questions individually and even less on a large scale. I may point out that the labor allocation questions in Farben were entirely different. For instance, the labor allocation in a pharmaceutical factory is of an entirely different kind of allocation as that in nitrogen factory.

Q Dr. Schneider, who according to your chart, had a coordinating activity, did he according to your statements, endeavor himself in the case of labor allocations questions and were they the subject of discussions in the Enterprise Council?

A I already said that at the Office Bertrams there were extensive statistics available. Part of these statistics concerned the employees. It is natural that the number of workers had to be recorded statistically as to their distribution to the various plants and that such distribution was of paramount interest to the central management of Farben. In addition, the scarcer labor became, the greater the anxiety became of the local plant leaders as to how to meet their official production orders. As a consequence, it naturally resulted, of necessity, that whenever plant leaders met they would discuss these worries and would exchange thoughts on possible solutions. During the plant leader conferences under Dr. Schneider and during the Enterprise Council meetings, if not regularly, but quite often, general labor allocation questions were being discussed.

Q I am now turning to an other point. I am turning to the question concerning the employment of foreigners. You have already dealt with this question in your affidavit, Exhibit 37. You spoke about the question of expenses in matters like that. When, according to your memory, were workers on a non-voluntary basis employed in Farben for the first time?

A I don't know whether you are now referring to foreign workers. The first non-voluntary workers in our firms were Germans.

Q Yes, I am now referring to foreigners.

A The first foreign workers which we received came at the beginning of 1940. They, however, exclusively came on a voluntary basis. The first reports, according to which workers came to us on a non-voluntary basis, as far as I remember, originate from spring of 1942. That is when Eastern workers came into our plants and when a report was made to us that the methods with which parts of them were conscripted

in the Ukraine to work in Germany were in no way brought about the impression of any voluntary design. In summer of 1942, after Sauckel had been appointed as General Plenipotentiary for Labor Allocation, we heard about the laws and regulations concerning labor conscription which were partly issued by the governments of the European countries and partly by the military occupation authorities or Party administration offices in the occupied territories.

Q I now want to ask you whether you had any misgivings about the employment of foreigners. Let me say first of all that many times remarks have been made about the economical and technical misgivings as to the employment of foreigners and you don't have to go into that again. All I want to know from you is what you know about the compulsory employment of foreigners after 1942. What you thought about it personally and most of all what you thought about it legally.

A If I am to be quite frank, I must say that we had no considerable misgivings at all at the time. You have to consider what, in the meantime, we have learned. At that time, of course, we didn't know all these things. In the plants, and particularly in the older plants, our plant leaders certainly could still remember the employment of foreign civilian workers during the first World War. Among our German workers we also had thousands who, as a result of labor conscription regulations, were employed with us. Considering the prevailing aspects at the time we didn't think that there was anything wrong in the recruitment of workers from territories which were occupied by the German army or with which the German government had concluded contracts. This, after all, only meant that workers were conscripted in the same way as the German workers themselves. We, however, considered that such measures could only be considered tenable on human as well as economic grounds if the living conditions of these conscripted workers, and that again applies to German as well as foreign workers, would be made as favorable as possible, because one really can not expect much work from any worker who is badly treated and who is not willing to

work.

Q Now, if you had had misgivings, isn't it true that every German industrialist or agriculturist was employing foreigners?

A Yes, well the considerations which we had at the time and which may seem somewhat reconstructed today, but we did discuss, for instance, that firms which had foreign capital had no misgivings at all about the employment of foreigners. There were foreign firms in Ludwigshafen and Mannheim P.G. Brown-Bouery who had foreign capital and who employed foreign workers in the same way, and they didn't dare, at all, to raise any objection. Of course we, as a German firm, couldn't at all object to using workers who had been assigned to us.

Q Now the witness Stothfang, of whom you certainly know, - on page 3752 of the German transcript, said that one could have fought against the allocation of foreign workers under certain circumstances.

A I don't think that Ministerialrat Stothfang ever visited a plant and I don't think that he ever considered what would have happened if the entrepreneur had refused any such allocation. This can easily be said in your office.

Q In connection with the charges of the prosecution, the work output of foreigners is of some importance. Would you briefly describe that?

A You said it had already been discussed here and I must repeat that that was one of the main misgivings about the employment of foreign workers. One considered that workers who not only had not come voluntarily but in addition to that could not speak German and were not used to the living conditions in Germany probably would have a much smaller output of work than German workers. It is quite natural that principally we also endeavored to get German workers from the Labor Offices. But once the foreign workers represented the only way out in order that we meet the official production demands, we had to try to get as much work out of them as possible. As you are surveying the entire situation one must say that the methods which, for that purpose, were used in

in Farben, were really very successful. We have endeavored, in every case, to select the most suitable work places for the foreigners, to retain them if it was necessary, and not shying away from any expenses, we have tried to give them housing, good treatment, and so forth, and by doing that we showed them that we wanted to afford them the opportunity to adjust themselves to the difficult conditions in which they no doubt were and to feel themselves as comfortably as possible. One may well say that in many cases the original small output which can easily be explained increased and in many cases we achieved the same output as we had among the German workers. That, of course, varied in the different groups of workers. There were categories of workers who were always behind, as for instance the Italian workers. On the other hand, especially in the case of the Eastern workers, quite a high output was achieved. On the average it was estimated by us that the output of foreign workers amounted to approximately eighty percent of that of the German workers.

Q. But you couldn't say that these workers were particularly cheap for the entrepreneur.

A. One certainly can not. These workers, apart from exceptions which I shall mention later, were not only paid according to the same directives as applied to German workers, but in addition it required expenses, and I am referring to the additional amount of money which had to be paid to them because they were separated from their families -- then of course there were expenses for the additional housing, and other measures referring to health, leave time journeys, home, and so forth. If you draw an average referring to the additional costs on the one hand and the smaller output on the other hand, then you may perhaps say that a foreigner was about 130 percent of a German worker on the average.

Q. Now, you said that Farben endeavored to get the right people to work at the right spot. In this respect would you briefly describe how Farben, at first with respect to the recruitment of voluntary workers, participated through the G. B. Chem., and to what extent persons who were originally employed with Farben, and who were paid by them, were assigned to the G.B. Chem. in an advisory capacity.

A. Up to 1942 when the allocation of foreign workers was handled on an exclusively voluntary basis, the recruitment abroad was executed by two agencies. Basically that was handled by the Ministry of Labor, which had its recruitment offices in the various countries. The G.B. Chem. merely was active in the field of the so-called firm allocations. That is to say contracts were mediated between foreign firms and firms at home, the purpose of which was that the foreign entrepreneur, with his entire staff, would be sent to Germany. The various parties who needed the products, that is to say the various groups of German economy which were interested in obtaining the proper labor, were not allowed to recruit themselves. That was strictly prohibited. On the other hand, upon initiation of the Labor Ministry of the Recruitment Offices, they sent experts to such offices who estimated for which of the plants the

voluntary workers were suitable. They also took care of the transport. They took care of food during the transport, medical examinations and matters like that. When compulsory conscription of labor started, the experts of the plant were only active in the getting together of the transports and the handling of the transports. They say to it that certain workers were actually sent to the places for which they were designated. There was considerable competition in this field because there were other parties that needed workers.

Q. You already mentioned the expenses with respect to housing, social care, health, and so forth. The defense counsel of the individual defendants will refer to these points in particular. What I want to ask you is this. To what extent were these matters a subject of conversation during the plant leader conferences and in the Enterprise Council?

A. In Exhibit 37, my second affidavit, I explained in great detail what the social policy in Farben was. It was a matter of course that also the foreign workers were incorporated into this general social policy, and it was not necessary to have any large scale conferences or make any decisions on that matter. Let me say that it was a traditional matter of course that everything had to be done for the foreigners which was being done for the Germans, and that everything had to be done which was designed to improve the will to work on the part of the foreigners. Therefore I don't remember that apart from quite general statements about this question any conferences or discussions had taken place. I have never heard that the expenses were considered to be too high, that they would have to be cut down or anything like that.

Q. Would it have been possible to issue any central directives about these matters by Farben, particularly with respect to food?

A. That wouldn't have been possible at the time because the question of nourishment, housing, clothing, and so forth, up to the minutest detail, was settled by directives from the state and by directives from the state and by directives from the German labor front. In

addition, possibilities of additional nourishment were contingent upon the local situation.

Q. Were the rations regulations stricter applying to foreigners than applying to Germans?

A. No, I would say on the contrary, for certain groups of foreigners, there were additional possibilities of buying things. For instance, they could buy work clothes which Germans could not. Concerning food, the regulations for foreigners, and I am not talking about exceptions which I pointed out before and about which I shall speak later, were absolutely the same. Over and above rations regulations we could only try to help them to get fresh vegetables. The individual plants could only supply whatever they could harvest and that depended upon the local situation.

Q. How about medical care for foreigners. Were any special regulations issued as is often being assumed? Were there plant physicians?

A. I don't believe it. Everywhere we had our own plant physicians who were repeatedly supported by foreign physicians. Apart from certain marginal exceptions the foreigners were members of our insurance measures and there were no limiting regulations to that effect.

Q. You mentioned that a certain sum of money was paid to foreigners who were separated from their families. To what extent was it possible to care for the members of their families at home?

A. This question had to be settled especially, because the members of the family, in their home countries, were living under an other currency than the one prevailing in Germany. One, therefore, had to arrange for the transfer of the currencies needed. Such regulations were in existence. These regulations limited the amount of money that could be transferred, but it was handled rather liberally. I remember that amounts ranging from two hundred to three hundred marks per month could actually be transferred. Then the foreigners applied to have certain amount of money deducted from their wages. The plant then paid in that

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money to a certain credit at the German bank which in turn executed
the transfer.

Q. I don't know whether you know it, the currency regulations were German, and were quite favorable.

A. Yes, I think they were quite favorable. This practice was used to a considerable extent. I remember an amount which was transferred from Ludwigshafen. I think altogether it amounted to 11½ millions.

Q. I am now referring to vacations, and the prohibition of vacations, - something which was not done publicly but confidentially by the authorities. Can you say something about that?

A. With respect to the settlement concerning leaves, no regulations existed but they soon tightened the official regulations which were drawn over this matter within the frame of which the plant hardly had any possibility to continue their general policy upon which they had existed from the start.

I remember that the leave trips to the southeastern countries, Czechoslovakia, Hungary, etc., were handled properly and no difficulties existed whatsoever. Approximately in 1942 or '43 difficulties arose so far as the west was concerned, because one-half of the people on leave never returned. That probably had something to do with the resistance movement over there. Then an official leave prohibition was promulgated, but we tried to circumvent that by, for instance, assigning some official work to French workers and in this way sent them to take their leave.

Q. Now Dr. Schneider has been charged with having employed children. What do you know about that concerning Farben generally. You probably are not familiar with the conditions as they prevailed at Leuna in particular.

A. Well, children only came into the plant so far as families of Eastern workers were concerned. There were very specific legal provisions in that respect. While generally, juvenile children were not allowed to be employed in Germany under the age of 14, an extension

was made for these children according to which in exceptional cases, light work could be done up to four hours, where children from the ages of 12 to 14 could be employed. These juvenile children had nothing at all to do throughout the day, and in this way they were kept off of the streets. That is why such juvenile children were employed at various plants and acted as messenger boys and similar activities. But such employment had to be reported to the authorities.

Q. I do not know whether you have anything to add with respect to the eastern workers. In my document books I shall quote the most important regulations about the development with respect to these eastern workers, improvement of conditions, etc, but can you tell us something about Farben's policy in this matter, or not.

A. After a short training period the eastern workers represented a particularly valuable part of our foreign workers. They were extremely willing to work; moreover, they were capable. Once they had the feeling that one was humanly interested in their welfare. The regulations under which eastern workers came to us were discriminatory and our handling of the matter was contrary to the provisions. There was a Nazi view that eastern workers were sub-human. We very soon found out that the contrary was the case, that they were particularly capable and on an ethically high level. It was quite natural that we would take a particularly intensive interest in these people, and not only did we try to circumvent the official regulations, but we also tried that such official provisions were mitigated, something which afterward actually occurred.

Q. In your department you had something to do with principles of war, or was that only at the borderline of your activities?

A. The principles of war were part of our employees' maintenance. Even if formally, according to the provisions, they did not belong to the so-called works combine, still according to the regulations we had to take care of their housing and feeding, and in that respect we were

concerned with the POW's.

Q. Did you have anything to do about the Hague Land Warfare Conventions in that respect?

A. I personally did not, but the plant leader concerned had to do with it, because they or their personal experts got into contact with the Wehrmacht commissioners who were in charge of the commitment of principles of war. Among them the possibilities for work was discussed, and it was our opinion that this met the provisions of the Hague Land Warfare Conventions.

Q. How one question with respect to concentration camp inmates. I am particularly interested in that because of some of the remarks of Dr. Schneider in his affidavit.

How high was the percentage of employment of concentration camp inmates compared to all employees in Farben? Do you perhaps know that according to statistics, with which you dealt? I mean the concentration inmates in the entire staff.

A. I remember that 2½ per cent was mentioned.

Q. In which plants were a majority of concentration camp inmates employed?

A. So far as I know, that was only true of Auschwitz.

Q. That did not include E-prisoners?

A. No, those are other prisoners, and they are not included in that amount.

Q. Do you know approximately the sum total of inmates employed at Leuna?

A. Approximately 2000.

Q. Do you have anything else to add with respect to the employment of inmates? There weren't any at Ludwigshafen were there, I guess?

A. No.

Q. How about any reports on labor delinquents to the Gestapo, and what was the general policy of Farben in that respect, as far as

you were acquainted with it?

A. As the compulsory labor recruitment increased, and as more compulsory workers were employed at Farben, we soon found that it was not a particularly good selection of people which were gathered by Sauckel. Sauckel had the order to bring into Germany a certain amount of workers in order that he be in a position to report that the required amount was met. Naturally the lowest level of unemployed people were herded together. That meant that not only the work discipline at the plant suffered, but principally the comrades of those workers suffered, who were decent, and who came in at the beginning, and resulting from that situation, a number of disciplinary measures had to be taken. As far as I know from this collection, the tendency prevailed to adjust these matters at the plant, and to avoid any report being made to the Gestapo or at any rate to limit it to such cases where it was in the general interests of all workers and could not be avoided in that interest.

Q. Now I have another two questions. The guarding of the plant was under the police according to the state provisions?

A. A part of the work guard were appointed to auxiliary police, and had a yellow badge, "police" was stated thereon.

Q. Now I wanted to ask you something which I cannot prove completely by the provisions which are found. It says that on occasion foreign workers, in case they escaped, are to be reported to the police. My assumption, which is in accordance with my experience, is that this police was practically identical with the Gestapo. Isn't that true?

A. Yes.

Q. In other words, that any report being made to the Gestapo meant nothing else --

MR. SPROCHER: We have tried to be somewhat lenient....

THE PRESIDENT: Are you objecting?

MR. SPROCHER: We are objecting. It is too much of a speech.

THE PRESIDENT: The objection is sustained.

DR. DIX: I understand that no cross-examination is to take place now. Perhaps I can hurry up and put my last question now.--

Q. You know Dr. Bertram?

A. Yes.

Q. Did the office of Bertram concern itself with labor questions in any way?

A. Only in the way as I described it before. Statistics with respect to the status of workers, scarcity of workers and workers required were available at his office.

Q. Do you think it is possible that Bertram in any way endeavored to get foreign workers?

A. I do not know it, and I do not believe it.

DR. DIX: That, Your Honor, will conclude my examination.

THE PRESIDENT: Do we understand from the Prosecution that it will not at this time cross-examine the witness?

MR. SPEECHER: Well, of course, we do not know what other counsel will bring up, but it is our view, in view of the examination of Dr. Dix, that the materials were either covered in the affidavit or related to them in most instances, and therefore it would be better to read the affidavit and consider whether or not to cross-examine before a commission.

THE PRESIDENT: Very well, the Tribunal thought that might have something to do with the further examination of this witness on the part of counsel for the Defense. Frankly we do not see under the circumstances, very much reason for an extended continuation of this examination.

Do any of the counsel for the Defense desire to interrogate the witness further? Did you, Dr. Hoffmann, wish to ask something?

DR. HOFFMANN: No.

THE PRESIDENT: May I ask, is there any desire to cross-examine this witness further; - I mean, to examine this witness further on the part of Defense Counsel?

DR. RUDOLF DIX: I have three or four questions, Your Honor.

THE PRESIDENT: Does anyone else besides Dr. Dix desire to interrogate the witness? It is just our adjournment time, but we might bear with Dr. Dix for a few minutes here and be through with the witness, unless it is to be continued too long.

How long will it take you, Dr. Dix?

DR. DIX: Five minutes, Your Honor.

THE PRESIDENT: May I ask, is there any desire to cross-examine this witness further; - I mean, to examine this witness further on the part of Defense Counsel?

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How long will it take you, Dr. Dix?

DR. DIX: Five minutes, Your Honor.

DIRECT EXAMINATION

DR. ALBRECHT WEISS

BY DR. RUDOLF DIX: (Counsel for the defendant Schmitz)

Q Dr. Weiss, you have made two affidavits, one 11 December, and one 2 January. Let me point out to your Honor that these affidavits can be found in Book 4, under Exhibits 47 and 48. I am not going to ask the witness on the contents of these affidavits. My first question will be this: Do you have anything to change in the contents of these two affidavits, or do you have anything to add?

A No.

Q Am I correct in drawing the conclusion from the contents of these affidavits, if I put the following to you, with the following questions? According to the general experience a State's Minister of Finance of the State, of the financial expert of a large enterprise, is inclined and to a certain extent obligated, to be careful with the money with which he is entrusted to supervise and administer. Was my client, Dr. Schmitz, a thrifty, careful, average Minister of Finance, or could one say about him that he was an exception in that respect, in that his willingness to approve money for social welfare purpose was conspicuously strong?

A On the occasion of my conversation with Geheimrat Schmitz, which dealt exclusively with the question of whether and to what extent he would approve moneys for such purposes, -- social Welfare purposes, -- I knew that he was always extremely generous.

Q Now, Doctor, another experience of life shows us that there are many people who are generous in the approval of funds which are not their own, but that their general attitude would change if it concerned their own pocket. How about that? What do you have to say about Dr. Schmitz, bearing that in mind?

A I can only say that he asked me often about contributions which he wanted to make and he was very generous, judging from the extent and amount of contributions.

Q In my document book 4, under Exhibits 62 to 71 I have submitted to the Tribunal Documents about these personal gifts and contributions on the part of Dr. Schmitz. Let me ask you, witness, you know the contents of these documents, don't you?

A Yes.

Q With respect to the purposes for which the money was contributed, was there a particular hobby on Mr. Schmitz' part, - was there something in which he was particularly interested, and was it therefore often the case that he contributed money?

A Most of his contributions referred to people who had lost their family during the war, orphans, etc., and there was a certain, "Hermann Schmitz Fund" which was done for that purpose, and which was sponsored by Farben.

Q Can you summarize it by saying, "Widows and Orphans"?

A Well I know something about orphans, but I am not quite sure about widows.

Q Do you perhaps remember how many orphans, in the course of this lengthy war, considering how many people died, - how many orphans were yearly considered by this fund of Dr. Schmitz, and what the amounts of money contributed?

A I cannot tell you about the personal funds, but I can tell you about the funds which came from the property of Farben, and the sums were quite surprising and they increased to a surprising extent. So far as I remember 50,000 marks were expended during the first year, which means 500 orphans as you allocate 100 marks to each orphan. The next year it was 160,000 already, and in the third year it was 600 something thousand. In the years from 1944 it would have increased again. In the last year which was accounted for, in the year of 1943, there were over 6000 orphans, who received 100 marks each, or 600,000 marks.

Q Thank you, very much.

THE PRESIDENT: Now does any member of the Defense counsel desire to interrogate this witness further?

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Then the witness will be excused upon adjournment. You may just sit still until we adjourn, Mr. Witness.

Did you desire to say something, Dr. Hoffman?

DR. HOFFMANN (for Ambros): Your Honor, I should like to have your permission to excuse the defendant Ambros for this afternoon so that he may prepare his case. If the Tribunal thinks that Ambros will not get into the witness stand this afternoon, I am not sure of that because I do not know what Dr. Dix' plans are.

THE PRESIDENT: Perhaps Dr. Dix can enlighten us as to how long he will require.

DR. DIX: I believe that the length of the submission of documents is very hard to calculate. It depends upon the number of objections I am going to get. I think that I shall only get objections at the end of my documentary presentation but I shall need the entire afternoon. I may perhaps finish a little earlier, or perhaps need a few minutes tomorrow.

THE PRESIDENT: Dr. Hoffmann, we will excuse Dr. Ambros, but if, in the course of the afternoon's program you see that you are going to need him, we will have the Marshal have him brought over.

DR. HELLGUTH DIX: One more question to the witness. Is that permissible? Only in order to make this paragraph from Mannsfeld's affidavit clear. Is it true that an entrepreneur alien to the enterprise, is an entrepreneur who does not participate in the plant?

A Yes.

DR. DIX: That brings me to the end.

THE PRESIDENT: The Tribunal will now rise for lunch.

(Tribunal in recess until 1330 hours)

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AFTERNOON SESSION

(The Tribunal reconvened at 1330 hours, 25 Feb. 1948)

THE MARSHAL: The Tribunal is again in session.

MR. SPRECHER: Mr. President and honorable members of the Tribunal: Because of certain rather unusual, outstanding circumstances, the Prosecution wishes to give open and immediate notice to the Tribunal and to all Defense counsel and their assistants of its intention to file a written motion today for the production of documents.

Since the originals of many of these documents have been removed from Farben files under the custody of the Allied authorities, we think it important to give this notice now in open court so there could be no possible future misunderstanding about this matter. Because of the manner of the removal of these documents it has become impossible for the Prosecution to prepare for the cross-examination of some of the defendants and defense witnesses next in order in the Defense schedule.

In this written motion we shall request the production of all Farben files and documents removed from any Farben plants or archives under the jurisdiction of the Allied authorities, where such removal was done at the request, upon the initiative or instigation of the Defense or any person claiming to act in or on behalf of the Defense. However, we do not wish to make unduly difficult any matters for Dr. Hoffmann, counsel for the defendant Ambros, at this moment, since he is about to put on his case for Dr. Ambros. But we are going to ask that we have immediate access to all the weekly reports on Auschwitz which were removed from Dr. Santo's (A-a-n-t-e) files in Ludwigshafen and surrendered to Dr. Alt, who, as assistant to Defense counsel for Dr. Ambros, is an officer of this court.

Since the defendant Ambros's case will be proceeding immediately after Dr. Helmut Dix is through with the Case Schneider, either this afternoon or tomorrow morning, we would like to have access to all these weekly reports on Auschwitz within the next twenty-four hours. We must make this request since we have not been able to have access to these files in a normal manner because of the manner of their removal from

the official archives.

THE PRESIDENT: Mr. Sprecher, do I understand that in addition to what you have just said you intend to file a written, formal motion?

MR. SPRECHER: Yes, Mr. President.

THE PRESIDENT: Call our attention to it when it is filed, will you please?

MR. SPRECHER: Thank you.

THE PRESIDENT: You may continue, Dr. Dix.

DR. HELMUT DIX (Counsel for defendant Schneider): Before presenting any documents, I should like to permit myself one short remark.

I presented an excerpt from the Justice Judgment yesterday in which "Fördernde Mitglieder" was translated as "sponsoring members." I found out in the meantime that the trial brief of the Prosecution in this trial chooses the translation "supporting member" for their expression. I want to point out to you that these two expressions are the same, and that the former translation--"sponsoring members"--which means that these people paid certain amounts of money, is the more correct translation.

I shall now begin presenting Document Book 7. These document books are to show the basis for the forced labor program for the National Socialist regime. I do not know whether I am to continue with my exhibit numbers Schneider or whether I am to use general Defense numbers for this purpose. I shall leave it up to the decision of the Tribunal.

THE PRESIDENT: What book do you intend to start with, Dr. Dix?

DR. DIX: I shall begin with Book One, Your Honor.

THE PRESIDENT: Since your books are designated as Schneider books from One to Ten, the Tribunal believes that it would be less confusing, Dr. Dix, if you continued to use your Schneider numbers.

DR. DIX: Yes, your Honor.

The first two books that I shall present deal with the development of draft for labor and compulsory labor in Europe from the First World War on. They are to show that gradually one was influenced by the conditions, and that one got further and further away from the conditions

as they existed in 1914. This is the explanation for the labor program in Germany which, after all, is in the center of Europe. This also explains the attitude of German economy.

My material presented are only examples. It is difficult to present an exhaustive picture from the destroyed German libraries, but I believe that these examples will suffice to demonstrate the development sufficiently. Individual laws of the Allied nations during the war and after the war will be known to the Tribunal, essentially; for instance, British and Belgian laws. A few documents from neutral countries I procured through personal connections. I shall begin with Book No. One, and I shall present Document No. 2 as Exhibit No. 82.

This is an excerpt from the Reichsgesetzblatt on National Auxiliary Service, of 1916, making all German men from 17 to 60 subject to auxiliary service. This document has been submitted in the Flick trial, as have many others that follow.

Document No. 222 will become Exhibit No. 83. This is the international Slavery Convention dated 1926. As is shown by the introductory clause, the majority of the European nations participated in this convention. Later, a few others joined. At any rate, the introductory clause shows that this convention is common law of European nations.

A few days ago I received the text of the reservation from Switzerland which the United States made when they joined. For that reason I could not include this reservation. It can be seen from it that the United States did not recognize the passage about the public recognition of forced labor, and that is a good example for the difference of the development in the United States and in Europe.

I do not believe it will be necessary for me to introduce this reservation at a later time. However, if the Tribunal desires, I shall do so... In this case too I should like to quote first Article 1, Section 1, of the Convention, the nature of slavery:

"Slavery is the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised."

Then I should like to quote Article 5:

"The High Contracting Parties recognize that recourse to compulsory or forced labor may have grave consequences and undertake, each in respect of the territories placed under its sovereignty, jurisdiction, protection, suzerainty, or tutelage, to take all necessary measures to prevent compulsory or forced labor from developing into conditions analogous to slavery."

"It is agreed that: 1. Subject to the transitional provisions laid down in paragraph (2) below, compulsory or forced labor may only be exacted for public purposes."

"2. In territories in which compulsory or forced labor for other than public purposes still survives, the High Contracting Parties shall endeavor progressively and as soon as possible to put an end to this practice. So long as such forced or compulsory labor exists, this labor shall always receive adequate remuneration and shall not involve the removal of the laborers from their usual place of residence."

The last I shall quote will be No. 3:

"In all cases, the responsibility for any recourse to compulsory or forced labor shall rest with the competent central authorities of the territory concerned."

My further statements shall prove that the forced labor program of the National Socialist regime, if it is considered and has been designated illegal by international law, that it was principally no slavery in the sense of the regulation of common European law.

Important from these regulations, it is to know that the admissibility of forced labor for public purposes has been recognized. The employment of such labor for the war, however, was considered in Europe as a public purpose. It is further of interest in this convention to note that the central authorities of the particular territory are responsible for its application. It is typical for European thinking, and especially for German thinking that not the individual citizen had to check and investigate these matters--but that the responsible chiefs of the high, central authorities had to do that.

MR SPRECHER: Mr. President, with respect to Schneider Exhibit 83, we wish to point out that the Slavery Convention there referred to the nationals or subjects of territories where certain few countries had jurisdiction over colonies, and so forth, and that it had nothing to do with continuing conditions of slavery which had long been existing in backward parts of the earth. There is nothing in Schneider Document 83 which can have any possible relevance with respect to the enslavement by one nation or the representatives of that nation of the nationals of a country with which the first nation is at war.

THE PRESIDENT: That is a matter that you gentlemen can argue at the proper time.

You may continue, Dr. Dix.

DR. DIX (Counsel for defendant Schneider): The next exhibit, No. 84, will be Document No. 4. This is an excerpt from the Emergency Service Regulation of 15 October, 1938. According to this, residents of the Reich can be subjected to emergency service, and according to Section 4, foreigners are not to be called if they are exempted by state treaties or recognized rules of international law.

These recognized rules of international law were contested, as shown by the following documents, which prove that European states introduced the necessary for the labor of foreigners in their states.

Document 5 will become Exhibit No. 85. This is a regulation of 1939, the exact title of which I shall not read in the interest of saving time. It is the basis for drafting for labor in Germany before the war and during the war. According to Article 1, the inhabitants of the Reich territory can be conscripted to perform services, and the same applies to foreigners in this regulation, as did the previous document. This regulation was issued within the scope of the Four Year Plan, as can be seen from the text.

Exhibit No. 86 is Document 7, again from the Flick trial, an excerpt from a juridical journal, an article from Prof. Makarov about the compulsory military and labor service of foreigners in France. According to

it, certain foreign groups in France were subject to compulsory labor before the German occupied in 1940.

Exhibit No. 87 is Document No. 8. This is also a Flick exhibit. It is the information of an assessor at the Research Institute for International Law and Foreign Public Law at the University of Hamburg, from a collection of articles continued in the journal for Eastern European Law. It deals in particular with the labor regulations of the Soviet Union before Russia entered the Second World War-- not before the Second World War, but before Russia entered the Second World War--in the territories occupied by Russia: Rumania, Poland, and the Baltic states. According to this document People's Commissars had the right to send any laborers arbitrarily to any place they wanted.

Exhibit No. 88 is Document No. 124. This is the excerpt from a Swedish law on compulsory service, dated December, 1931, for the case of war, regulations about manpower control, about compulsory prolongation of labor contracts. Chapters 7 and 8 describe general compulsory service.

MR. SPRECHER: We will object to the introduction in evidence of Schneider Exhibit 88, Document 124. Our grounds are that what the Swedes, or any other nation, did with respect to their own nationals during wartime in connection with labor service is not pertinent to the issues in this case concerning the slave labor of the nationals of foreign countries.

DR. DIX: May I answer this briefly? We are not only concerned with Sweden here, but also with foreigners in Sweden. Then, as was shown by the testimony of witnesses, the affair is of interest because the existence of labor compulsion caused a further development and a reaction in German economy. One must take into consideration that state contracts were the result of these conditions. Therefore, I believe that this document is relevant.

THE PRESIDENT: Of course, technically all of these exhibits as to law or laws are really not proper. The Tribunal will in proper circumstances take judicial notice of law. If this was a domestic court and dealing with domestic law, that would be true; however, as a matter of getting before the Tribunal, or at least available to the Tribunal, if they are pertinent, this probably is the most expeditious way of making the showing as to have these laws available for argument. On that view, the Tribunal has indulged in a rather liberal practice in permitting the Prosecution and the Defense to bring in by way of exhibits a lot of documentary material that really has no place as exhibits in a case. Upon the theory that it may be proper to draw some inferences from it in argument and that this is a convenient way of getting the material where it will be available for the Tribunal, if it is proper and pertinent to any issue in the case. The objection is overruled.

DR. DIX: The next exhibit number 89 is my Document No. 231. These are various excerpts from Flick exhibits about the introduction of the emergency service in the Protectorate. I added the agreement between Himmler and Hacha, a proclamation of Hitler and an order on legal regulations in order to show how these matters were officially presented to the public in the Third Reich. The next is a decision of the Reich Supreme Court of 1940 which declares the Protectorate to be a part of the Greater German Reich, and an article of a German Professor from 1947 who still finds that Czechoslovakia, from March 1939 until the capitulation, according to the factual state of affairs, was not subject to international law. I am satisfied if the Tribunal will take judicial notice of these. I merely want to present the logical and the legal situation for the German private citizen. These documents were to show this.

MR. SPRECHER: With respect to Schneider Exhibit 89, we make specific objection to the report of March 1937 which is included as an appendix "f." The thought of any German citizen in March 1947 about whether or not Bohemia and Moravia, which were taken over by an aggressive act — whether his thought as to whether or not that means that they did not exist in

international law from 1939 on to 1945, is certainly beside the point and is utterly incompetent. We object both on the ground of competency and on the ground of relevancy.

THE PRESIDENT: We will hear you, Dr. Dix, as to why you think this is competent.

DR. DIX: Quite frankly, I did not notice whether Mr. Sprecher primarily objected to the article of 1947. Is that what you are objecting to? Well, I believe that the statement of a German professor in 1947-- a scientific statement--is of a certain significance for judging measures in Czechoslovakia which happened previously. If a German professor in 1947, still actively engaged in work, is of the opinion that these matters were permissible on the basis of international law, then such evaluation of a German is of importance at a time when conscription for labor was introduced in Germany. This regulation in the Protectorate, I was not able to receive. We could not find it up to this time. Then I was only able to present those things which were published in Germany; for instance, the emergency service order.

THE PRESIDENT: I have already expressed what I think is true; that in a sense this is encumbering our record with a lot of material that is not strictly evidence. If we were trying an ordinary case under ordinary circumstances, it certainly would not be proper. On the other hand, I doubt if the Tribunal in hearing an argument in this case whether counsel for the defendant would undertake to read from a German Law Journal something that he thought was pertinent as stating what the law of a given place and time was, even though it was published in 1947. We would be very reluctant to say that it was improper argument. For whatever it may be worth we would listen to it, and I am sure we would not be inclined to say that counsel was not even privileged to read it. Now purely as a matter of getting available and before the Tribunal material that may be a proper basis of an argument as to the applicable legal principles, I feel that no harm is done by the introduction of this evidence since it has already been processed and made available. It's not establishing any fact

as a fact, but it may well be that it will be a matter of convenience for all concerned if counsel for the defendants does want to argue some such theory as that, to have it available for us and for the Prosecution when the time for argument comes.

MR. SPRECHER: Well, Mr. President, we only wish to point out that if this type of article giving the views in 1947 of a German legal professor concerning the status of the Czechoslovakian Republic during the period when it was occupied by Germany pursuant to an aggressive act is of value to Your Honors by way of any possible part of argument and we were to retort in kind by submitting similar types of articles, then I think that there would be absolutely no end to this matter. Now if there is a question of argument, let counsel bring it up in his argument. But why have this type of thing which has no relation to the facts in this case be brought in with the documents and the exhibits at this time? Dr. Dix is not now supposedly writing his final brief, making his opening statement, or making his closing statement to the Tribunal.

THE PRESIDENT: I assume that Dr. Dix well recognizes that he is not making a closing argument, and I think it only fair, counsel for the Prosecution to say that all I know personally about this document is what the index shows. It doesn't purport to say that this professor is telling what the law was in 1947. The index indicates that the publication bears the date of March 1947 and he is talking about international law as it existed in 1939.

MR. SPRECHER: From 1939 until the end of the occupation, that is right.

DR. DIX: I merely wanted to point out that these documents have been presented in the Flick trial as well and that it is necessary in these difficult legal fields to show these things to the Tribunal at a convenient time and in the briefest form, and that is the purpose of these documents. It would not be practical to read long regulations in the final statements or in the opening statement for that matter.

THE PRESIDENT: Do you wish to say something more?

MR. SPRECHER: Well, we were just thinking aloud, Mr. President. We feel that if this is permitted, then we will have to change our policy of the Prosecution with respect to what amounts to competent evidence or how things might be used at the most in connection with some final argument.

THE PRESIDENT: The Tribunal has concluded, counsel, that as to this particular document and some others that have been referred to here, we feel that the record of evidence should not be burdened with this material. It may be that it will have a proper place in argument. That is entirely apart and different from the matter of proof. As to this document, we will allow it to be given a number and be marked for identification. It's available to you. If you want to argue about it, you will have the opportunity to do so and we express no opinion as to whether or not it would be a proper subject for argument at this time because we are not at that stage.

MR. SPRECHER: I see the Secretary has the same problem I have in mind. We have no objection to the laws of the time such as are contained in A, B, C and D because they were a part of the actual resgestal which affected these things. Our objection was directed only to F.....

THE PRESIDENT: We understand that and that part of Document 231, which has been identified as Exhibit 89, designated as F will be marked for identification only. Judge Hebert suggested something that I think would perhaps be better. Let that part of Document 231, designated as F, be marked Exhibit 90 for purposes of identification. Then there will be no confusion on the part of any one.

DR. DIX: Yes, Your Honor.

The next is Document 109. This will be Exhibit #91. This is a letter of the Reich Labor Minister in 1942 with a memorandum on a government agreement about the allocation of Italian industrial manpower. Such agreements played an important part in Germany during the war. This document is an example and I merely refer to its contents generally.

Exhibit #92 is Document #13. This is the French law dated 1942 on the introduction of compulsory labor and I merely want to refer to its contents generally.

Document #209 will become Exhibit 93. This is an excerpt from the minutes of the Flick case about the examination of the witness Schleier who was a German Ambassador in Paris. The witness describes how he thought the promulgation of this law was caused by Frenchmen in particular.

Document #14 will be Exhibit 94.

MR. SPRECHER: Mr. President, with respect to Schneider Exhibit 93 we don't make any objection providing there is understanding on two points. Firstly, that we may have the right to call Schleier for cross-examination if that should be important just as if he had given an affidavit which was introduced for the first time here, and secondly, that if there are other parts of his examination which might be relevant, in our opinion,

is would be allowed to offer them.

THE PRESIDENT: Does counsel for the Defense share the same view with reference to that matter?

DR. DIX: Yes.

THE PRESIDENT: Very well.

DR. DIX: Exhibit #94 which is Document 14, is the calling up of certain age groups in France.

Document #229 is Exhibit #95, a teletype letter of Sauckel dated October 1943, about negotiations with the French Government with relation to labor allocation.

Exhibit #96 is Document #15, another French law extending the compulsory labor also to women.

Document #127 is Exhibit #97, possibly only for judicial notice. It is to facilitate understanding. It is an excerpt from Charles Cheney Hyde according to which the validity of international law agreements and that that validity is not fundamentally affected by the fact that force was applied in their adoption. This is a general statement and I refer to it merely to show that a German, at any rate, could not tell his government that the Vichy laws were invalid because that would not have had any effect on international law.

Document #94 which is Exhibit #98 serves a similar purpose of my argumentation. It also has been presented in the Flick case. It is an excerpt from the Gotha Year Book for Diplomacy. This deals also with Vichy and it can be seen from it that the Vichy government at the time was recognized as the official French Government to a large extent.

This concludes the presentation of Document Book #1. Document Book 2 treats the same subject, the development of the forced labor program.

The first document is #108, Exhibit #99. This is an express letter of Sauckel dated 1944 about the question of expiration of work contracts of workers from friendly countries. The document is to show that government

agreements existed with a number of European countries.

Document 112 is Exhibit #100. This is an ordinance of the German Military Commander in Belgium and Northern France who introduced labor service and similar corresponding things in France.

Document #110 is Exhibit 101. It is the corresponding ordinance for the Eastern territories.

Document 111, Exhibit 102, extends labor service in Belgium with certain additional regulations. Especially with regard to these latter regulations I now offer, as Exhibit 103, Document #215. This is an excerpt from a large report published by the former German Reichstag dealing with international law from the time of the first World War and especially with the forced deportation of Belgians to Germany. This document contains a decision of the Reichstag Commission dated July 1926 which terms these deportations as justified because of the existing unemployment situation. Eight years after the war they were not able, however, to arrive at a final judgment of the actual facts. It is then conceivable to see how impossible it is for an outsider to judge the measures of his own government during a war. I want to refer to the end of this decision where the commission rejects, under the leadership of the Delegate Schuecking, a very well-known German Democrat and pacifist and lawyer, who also was a member of the Tribunal in the Hague - rejected the minority of opinion of Dr. Levy et al, according to which this decision was not in accordance with international law. I believe it is not necessary for me to argue to show that a German could not make the opinions of Delegate Levy his own in the Third Reich, contrary to the statements made by Delegate Schuecking.

The next is the expert opinion of the German Geheimrat Dr. Kriege, Document 215, which is even more favorable to the German spirit. He partly bases his statements on the well-known English international lawyer Uppinham.

Finally, this exhibit brings a note the Ambassador of the United States

of America of the 19th of January 1917 which is dated after the protest quoted by the Prosecution in its trial brief. This letter apparently was caused by the interim representations of the German Government and is of importance because it antedates that period when war broke out between the United States and Germany at that time. May I be permitted to quote the introduction of this note briefly? It stated:

"As a result of the informal interview which Mr. Grew had with the Imperial Chancellor on November 22, the Chancellor, through his Adjutant, Count Zech, communicated to Mr. Grew replies regarding various points of amelioration in the carrying out of the measures of impressment and deportation of Belgian workmen which had been informally suggested as a concession to Belgian national feeling and foreign opinion."

Then the various executive formalities are included without any further protest of the Ambassador.

Finally, this exhibit includes one last document, an excerpt from the Belgian part of the extradition list of German war criminals during the First World War and includes the decision of the Reich Supreme Court. This excerpt refers to the Generalfeldmarshall, and later Reich President, von Hindenburg who was made responsible for the deportation of the Belgians. The Reich Supreme Court quashed the proceedings because they considered these deportations as admissible within the meaning of international law. I also make this as part of the basis of my opening statement.

The next exhibit, #104, will be Document #71. This is an example for the conditions during the Second World War. This affidavit of Dr. Faul-laber deals, under paragraph 5, with the dismantlings by the Russians and the unemployment that is caused by this procedure. The relations about Belgium have been dealt with in an affidavit of Dr. Landsmann in book 9. This is also to show the difficult problems confronting a German who had the intention to talk to the German Government about the legality of their

procedure. A further example for this difficult problem will be Exhibit 105 which is Document 17, an interrogation of the former Foreign Minister von Neurath, who was of the opinion that the Soviet Union, after the First World War, rejected the agreements of the international law, including the Hague Convention, at that time. I merely wanted to say, as far as I know, this opinion of the Foreign Office played a part during the arguments in the German Ministries.

MR. SPEECHER: Whether or not there was some argument in the German negotiations about this matter is now showing that any of this was brought home to the knowledge of these defendants, even if that were important, and what's more, the circumstances of Von Neurath being under trial and having stated a position which the IRT found was not sound as to what the law was, it seems to me makes this incompetent. The mere fact that his view of the law was one thing when in fact it was another is no excuse and certainly no excuse for these defendants.

DR. DIX: Well, the evaluation of the statement of Minister Neurath, of course, I leave to the judgment of the Tribunal, but the fact that the opinion of the Foreign Minister of the National Socialist German Reich was binding for all economists and was of importance for all economists, who, after all, had nothing to do with this, that certainly is not contestable. Of course, it is true that Neurath was no longer Foreign Minister during the war, but he apparently stated the opinion of the Foreign Ministry. It is true that I have to correct my statements to the extent that he was not the person who decided. He only represented the opinion of the Ministry. I believe he was the Protector of Bohemia and Moravia at the time and the President of the Secret Cabinet Council.

Document #18 will be Exhibit 106.

THE PRESIDENT: Just a moment until we pass on this.

What part of this document is the one to which you primarily refer or rely, Dr. Dix? We haven't had an opportunity to study it, can you tell us what part of it you think is competent here?

DR. DIX: On page 53 - that is the second page of the original, it says:

"Yes, that came to my attention. I know that in 1918 or at the beginning of 1919, the Soviet representative in Berlin at the time, Mr. Jafar, called at the German foreign Office and said that the Soviet Government would not recognize any treaties concluded by the former Czarist Government."

Then he was asked:

"Was there also among those treaties, also the one known as the Hague Conventions on Land Warfare?"

And he answered:

"Yes". I would like to add that I am aware that these things are contested; they are however, of a certain importance within the context of general conditions at the time.

MR. SPEECHER: Mr. President; if that's the part that Dr. Dix is relaying on it's really utterly unnecessary here because the IRT made reference to the fact that a claim was made in the IRT proceedings that the principles of the Hague Convention could not apply with respect to the Soviet citizens for the same reason and the decision of the IRT states that this was ruled out and that it had no application with respect to the protection of these individual persons and that it thereby gave no right to Germany or any one in Germany to enslave people.

THE PRESIDENT: That may be true, but there are certain charges in the indictment here as to the violation of certain treaties. Well, regardless of the question of enslavement, whether or not one of the parties to the contract had repudiated and said "we're not bound by it" might become pertinent on some other issue, might it not?

MR. SPEECHER: I can't conceive one offhand, Mr. President. The issue was argued and was, I thought, relevant up to the time the IRT handled the matter on that direct point and its express language, in the IRT decision, that the failure of ratification, or the retracting acts of a succession of governments from the ratification of a particular treaty, does not affect the law outstanding at the time.

THE PRESIDENT: As it applies to certain things. That is, to certain war crimes, certain moral crimes or offenses, that might be true, but might it also be true that when the indictment charges that a number of things were done in violation of a treaty obligation,

might it not be proper to show that as to some of those treaties, at least, one of the contracting parties had renounced the treaty? I'm not talking about war crimes, but there are other issues here that it seems to me it might be appropriate to show there was not in fact a binding treaty any more when one of the parties had renounced it.

MR. SPENCER: Well, the treaty, of course, consisted of a declaration of principles of decency prevailing at the time and whether or not one or two or five nations did not ratify it in view of all the nations that did notify it does not mean there was ratification of a law which has since been clarified. It seems to me that any statement that von Neurath may have made that a Soviet representative came to his office in 1920 or something like that and said "we do not uphold any of the Czarist treaties" is far beyond the relevance of any issues in this proceeding.

Dr. DIX: Well, I want to remark - I do not want to be contentious, but I think one certainly can say that the EIT did not absolutely affirm the existence of agreements with the Soviet Union; that they admit nobody can deny that Soviet Russia distanced herself from certain general rules that existed.

Document 169 will become Exhibit 107.

THE PRESIDENT: The objection is overruled.

MR. DIX: First I must introduce Document #18. This has been erroneously designated as Document 119 in the English. It should read Document 18 and that document will be given Exhibit #106. The document serves the same purpose as did the previous one.

Then comes Document #169 offered by me as Exhibit 107. This is an affidavit by an actress Crost where she states that in August of 1944 she was interned as a German actress in Hermannstadt in Roumania not as a member of the Wehrmacht and that subsequently, in January 1945, during the war and not after the war, she was recruited for compulsory labor in the Soviet Union. I offer this document for the same consideration as I offered the previous documents.

THE PRESIDENT: Do you object to that, Mr. Sprecher?

MR. SPEICHER: Yes. Objection.

THE PRESIDENT: The objection is sustained. We can see no competency whatsoever in showing that Russia violated the law. That's not within the purview or function of this Tribunal. If two wrongs are committed, it does not make a right. The objection is sustained.

DR. DIX: Then I should merely remark in regard to the next document that I believe that one cannot only speak of an evil that existed, but also of a change in the legal conception that existed in the past or at least that it appeared to be such to the Germans and that is the reason why I incorporated the next document into my book,

MR. SPEICHER: Have you given it an exhibit number?

DR. DIX: No, I have not yet done so. This is Document #10 and it will become Exhibit #108.

MR. SPEICHER: We're objecting on the same ground, going into the time after the period covered by this indictment and we will take consistent position that whether or not the acts and conducts, either in Germany or in other countries, after 1945 involved anything in the nature of forced labor, it has nothing to do with the issues in this case.

THE PRESIDENT: We'll hear you, Dr. Dix.

DR. DIX: Well, I must state that this document is not dated after the collapse. It is dated February 1945.

THE PRESIDENT: Is the document calculated to do anything else than to show that Russia utilized slave labor?

DR. DIX: No, it is intended to show that during this war, on their own, considered it admissible to have people committed to labor in their own country. That attitude was taken by Russia before the collapse. It is of significance only that it refers to the treatment of the Eastern workers during the war in Germany.

JUDGE MORRIS: Dr. Dix, I am sorry but I don't even understand the document as to what it is. Is it signed by the local commander? Is that a commander in Russia, a commander in Germany or --

DR. DIX: No, this is what it is. The document comes from the Flick Case. These are printed matters. It is an order of a Russian garrison commander in Oels which is situated in Silesia after the Russians invaded the Reich proper, the territory that belonged previously to Germany in February 1945, and this order conscripts the male population in February 1945 for labor and since the order says clothing and food is to be taken along one can see that the intention existed to evacuate these people. These are forced mobilization measures that were taken during the war by the Russian military authorities in Germany.

It has Exhibit Number 8, Burkart Exhibit No. 8, in the Flick Trial. It is sufficient if it is admitted for identification for judicial notice of the Tribunal.

THE PRESIDENT: Well, the identification of a document is merely an indication that it may be offered. At least to mark it is one possibility there could be no objection. We are not inclined to sustain objections to the marking of an identification of anything as far as that is concerned because it is not really part of the evidence. If you are satisfied with that we will show it for identification; otherwise, we will sustain the objection to it on the same ground that we sustained the objection to your Exhibit No. 107. If you wish to withdraw the offer and mark it for identification, it is no concern of ours. If you allow it to stand, we will necessarily have to sustain the objection to it.

DR. DIX: No, it suffices for my purposes to have this document identified because it is only to serve for the information of the Tribunal about certain legal problems.

MR. SPRECHER: Well, Mr. President, we think that defense counsel may have some misunderstandings about this matter of identification.

THE PRESIDENT: Well, a document merely marked for identification is not before the Tribunal unless it is a matter which we would take judicial notice of.

MR. SPRECHER: And this is not such a matter and I didn't want Dr. Dix to be misled by the fact that merely because he put something in his book and it gets an identification number he therefore has evidence before the Tribunal. He does not.

DR. DIX: Well, I had not assumed that it would have probative value but I thought that one might take notice of it just as one takes notice of a book, that that is the character of identification - judicial notice.

THE PRESIDENT: That is a bridge we'll cross when we reach it. We are not arguing the case now. I think it is only fair to say, so that Counsel will not be misled, that we do not regard a document that is marked merely for identification as being before the Tribunal in any sense. It is simply marked, as is indicated by the term, to identify it as one which was offered and withdrawn or which Counsel has not yet offered. Now when we come to argument the whole question would be whether or not the document is of a character that we would take judicial notice of it. No harm done by marking it for identification under those circumstances.

You may pass on to the next document.

DR. DIX: The next document I believe should be treated as a unit by me since they refer to the measures of the Allied governments in Germany after the collapse or, at any rate, measures that were issued in regard to the capitulation. I do not offer these documents as proof or evidence. I offer them merely for identification and for judicial notice.

THE PRESIDENT: That purports to be documents concerning which we would take judicial notice if they are pertinent. So what is your desire - to give each one a number and mark it or to mark the group for identification under one number and pass them all that way?

Perhaps we had better give each one a number. There are plenty of numbers and books.

DR. DIX: Yes, Your Honor.

Then Document No. 9 would get Exhibit No. 109; Document No. 11, Exhibit No. 110; Document No. 6 --

MR. SPRECHER: Now, we are somewhat confused as a Prosecution. Are these being offered only for identification? And just what is Dr. Dix's purpose? If they are being offered because they have any relevancy to the International Law with respect to the employment of foreign laborers during wartime during a belligerent occupancy and before an unconditional surrender, then they are being offered for a completely improper purpose and have absolutely no place before this Tribunal.

THE PRESIDENT: Documents numbered for the purpose of identification are not offered at all. They are just simply identified in the Secretary-General's record so that if someone wants to go and look at them he can find them. They are not before the Tribunal and, as I understood it, Dr. Dix already indicated that his documents which he has numbered from 109 to 114 inclusive he was merely having marked for identification.

DR. DIX: Yes, at the end I shall say a few words about them.

Document No. 6 would get Exhibit No. 111; Document 227, Exhibit No. 112. Then the Documents 247 and 264 will be Exhibits 113 and 114 respectively. The purpose of these documents, for argument's sake --

THE PRESIDENT: Dr. Dix, we do not need to waste any time about anticipating argument now. If they are pertinent for purposes of argument, they are available to you. They are peculiar documents of which the Tribunal would take notice as far as verification is concerned if they are proper and nothing would be served by talking about them at this time. That concludes your Book No. 11, Dr. Dix?

DR. DIX: Yes, Your Honor. I now turn to Document Book No. 111. This

brings me to the presentation of the German regulations before the war and during the war about the control of manpower, about the development of labor conditions within the program of the National Socialist government. Almost all of these ordinances emanate from the Reich Legal Gazette, the Reichsgesetzblatt, or the legal journals of the competent agencies. Unfortunately, the index frequently does not indicate that these are merely excerpts but from the documents it can be seen clearly that that is so and I ask for your forgiveness for this negligence.

First we have a few basic regulations. Document No. 96 is Exhibit 115. This is Goering's plenipotentiary power for the Four Year Plan.

Document No. 97 will be Exhibit No. 116. This is an implementation regulation for the previous ordinance containing penalties for contraventions of the orders in particular.

Document No. 98 will be Exhibit No. 117. This is a prolongation of Goering's powers taking the war into consideration.

The next are the basic war economy laws. Document No. 29 is Exhibit 118. This is the War Economy Ordinance dated September 1939 containing penalty provisions and general principles for salary and price developments.

The next is Document 28 which will be Exhibit 119. This is the ordinance about the commodity traffic dated August 1939. By this ordinance the Reich Minister becomes empowered to regulate the commodity traffic. This is important for the control of industry and commerce during the war.

The next is Document 101. This is Exhibit 120. It is a regulation containing penalties for infractions against the forced economy and this forced economy included almost all consumer goods.

I have presented these documents to show how the commodity traffic was controlled for foreigners with all its penalty provisions.

The next are the general regulations about the state control of man-

power. Document 242 will be Exhibit 121. This is an implementation ordinance to the general ordinance providing for labor service which I presented in Book I. A printed form belongs to this ordinance and this written document form which is Document 243 and Exhibit 122. In this document ordinances are set forth how the manpower is to be registered, how they have to be reported, the conscription of labor by the labor offices and the revocation of this compulsory labor.

THE PRESIDENT: If you are through with respect to that document, we will take our recess at this time.

DR. DIX: Yes, Your Honor.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. HELMUTH DIX: We are now turning to Document 245 which I shall offer as Exhibit 123. This is an ordinance of the Ministerial Council for National Defense. This was part of the cabinet during the war in the year of 1939. The ordinance means that it is impossible to employ workers or dismiss workers unilaterally without any approval of the Labor Office.

I am now turning to Document 250 which will become Exhibit 124. This is a decree of the Reich Labor Minister dated 10 July 1940. Under Paragraph 1 of the decree it is pointed out that on the basis of former laws the employment of foreigners is dealt with exclusively by the governmental authorities. According to Paragraph 3, the same applies to the wages and working conditions applying to foreigners. Paragraph 5 prohibits most severely even a temporary employment by the firms. Paragraph 6 even deprives the local Labor Offices of the right of employment and transfers it to the hands of a central administration. We see from this decree that recruitment was a matter for the state, and that the industry was only used upon directives from the state.

Document 1 will follow as Exhibit 1. This is the application form for the procurement of workers which I submitted when the affidavit of Stothfang ---

THE PRESIDENT: I think you misstated your exhibit number. Document 1 will be Exhibit 125, isn't that right?

DR. DIX: No, that is an exhibit that is already in evidence. I submitted it in November and at that time it received Exhibit Number 1. That was the form which I submitted to the witness Stothfang. In the document it said no foreigners are being requested through this form but only

workers according to their profession. It only says in the form that this request also applied to foreigners.

The next Exhibit will be 125, that is Document 162. This is a decree of the Reich Minister of Labor dated May 1940. The decree is significant because it provides for a careful screening of all workers. A form is attached to the decree which was used. This document is to prove that workers were directed by the state.

The next will be Document 23. This is a paper on the employment of foreign workers by Ministerialrat Dr. Timm from the Reich Labor Gazette of 1942, and it deals with the employment of foreigners since the beginning of the war. In my opinion the figures stated are significant. This document dates back to the time when one had to leave voluntary recruitment and go over to compulsory recruitment.

I now turn to Document 16 which I shall skip for the moment.

THE PRESIDENT: You omitted to say that Document 23 would be Exhibit 126.

DR. DIX: Yes, you're quite right. It will become Exhibit 126.

I now offer the next but one document, 251 which will be Exhibit 127. These are three decrees from which we see Sauckel's powers he had in his capacity as General Plenipotentiary for Labor Allocation. It is dated March 1942. In particular there is the order to direct everything in a standardized way. Under figure 3 the exclusive jurisdiction of Sauckel is emphasized and we see that he alone and no other agencies of the Party or the state or economy are responsible for these matters. I should like to quote one passage. On page 2 of the third document -- "It is moreover essential for the

success of the task that from now on all organs of the Party, the State and the Economy, the plant managers as well as all other agencies, organizations and persons, who are not responsible for the direction of labor allocation and fixing of wages, refrain from interfering in the said tasks unless their co-operation is specifically requested by the competent office. No more interference of unauthorized persons, even if their action is inspired by the best intentions, will be tolerated in the future." We can see from that that starting from this period of time even the plant leaders were in no way responsible for the allocation of workers. In German we say that they were merely the recipients of orders.

We now turn to Document 252 which will be Exhibit 128. This is Sauckel's decree of the same time, whereby he extends his jurisdiction to the Gauleiter in the provinces with respect to foreigners. I think the Tribunal knows what it meant. It meant that the most radical representatives of National Socialism was alone responsible for these matters in their own area.

We now turn to Document 26 which will become Exhibit 129. This, your Honors, is Sauckel's decree referring to the entire problem concerning foreign workers. It gives notice of compulsory recruitment at the beginning and using the somewhat strong language of National Socialism, it demands just treatment. That the participation of German foreign agencies in the recruitment be settled, medical supervision, questions of transport, the so-called welfare is placed into the hands of the German Labor Front, and the German Nourishment Estate which is the agricultural organization of the Reich. The demand is made, however, for an equal and just treatment of foreigners and emphasis is laid on the good will of German

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industry. This decree has probably played a significant part to see that foreign workers, after their arrival in Germany at their plant, as for instance at the Farben Plants, everything possible was done for them.

We now turn to Document 102 which will become Exhibit 130. This ordinance is dated 20 May 1942 and it freezes all voluntary change of working places. This robbed the workers of their last freedom.

Exhibit 131 will be Document 237. This is an affidavit of Dr. Eugen Minzenmay. Minzenmay, up to 1945, was the head of the Labor Office at Ludwigshafen, and in a very specific form he describes the development of the so-called labor allocation in wartime, and he speaks about the ever increasing governmental coercion in this field.

The next exhibit will be 132, Document 210. This is an excerpt from the interrogation of the witness Letsch before the Flick Military Tribunal. He speaks about the governmental direction concerning labor before the war and during the war. He discusses the voluntary recruitment and the conscription of foreigners, and he speaks about the policy of the National Socialist regime with respect to the German industry, and with respect to the recruitment of foreigners.

The next will be Document 230, Exhibit 133. This is an excerpt from the IMT, a testimony by a witness according to which the plant leader in the industry only assumed responsibility for the foreign workers from the time he was committed at his place of work.

MR. SPRECHER: Two points, Mr. President. If it can be understood that with respect to these extracts from testimony from other cases, we have the rights we referred to previously in that connection, we won't have to rise again where further extracts are offered either by Dr. Dix or others.

THE PRESIDENT: I take it, counsel, that you mean the right to bring into the record further or additional parts of the testimony if you see fit, or to cross-examine the witness. Is that right?

MR. SPRECHER: Yes.

THE PRESIDENT: Well, that has been the practice. I think that is the understanding of everyone here.

MR. SPRECHER: Now, as our second point, and probably this is not entirely proper here, but with respect to the last document, the

Prosecution would merely like to note an exception to the statement that there is any indication that the responsibility of the employer began only when the laborers arrived. There is the statement that he did have responsibility thereafter. But it doesn't have anything to do with his responsibility therefore.

THE PRESIDENT: Well, that is not a matter that we can help. The record speaks for itself as to what he said.

DR. DIX: May it please Your Honors, I shall now submit Document Number 16 which I skipped before. That will be Exhibit 134. This is a Sauckel decree for French workers concerning the participation of French offices in the recruitment. This, Your Honors, will bring us to the conclusion of that book. We are now turning to Book 4. We shall turn to provisions which deal specifically with foreign workers. The laws and regulations concerning this matter comprise many thousand printed pages. I have endeavored to select the most essential documents in order to present a logical and concise picture to the Tribunal about the existing provisions, and in order to show that the state practically controlled all spheres of life concerning foreign workers. In addition, it becomes apparent from these regulations that particularly with respect to Eastern workers improvements took place gradually, whereas workers from other European countries, from the very beginning, were equal to the Germans. That only happened gradually in the case of Eastern workers, however.

THE PRESIDENT: Dr. Dix, since all of the exhibits in your Book 4, except the last several, are documentary in character, manifestly it's impossible to even analyze them in a few words, I am wondering if they might not just be marked and introduced formally, leaving it for your argument or your brief to make the application with respect to them and save quite a considerable bit of time. Now, what I have said I do not refer to your documents from 51 to 61 inclusive at the back of your book which appear to be of a different character. I speak of those beginning with 40 and ending with 50. That is the numbers are not in order. But I mean the exhibits between those numbers as you have them in your book.

Could we not save some time even if we give you a little time to survey if you wish to, the whole scope of purpose of these documents. Could we not conserve some time by doing that rather than by trying to analyze a complicated legal document in a few words?

DR. DIX: Yes, I merely want to describe these documents briefly. I think that I can do that very quickly.

THE PRESIDENT: Very well.

DR. DIX: After all it takes some time to identify them. Documents 40 and 41 I shall offer together as Exhibit 135. I shall not submit Document 43. It may be stricken.

THE PRESIDENT: You mean 42.

DR. DIX: I am referring to 42. I am sorry, Your Honor. These two documents deal with Western workers. I must point out that even there mention is made of security measures by the SS.

The next documents —

THE PRESIDENT: I think there is some confusion. As we understand now to get the record straight, your document 40 is Exhibit 135 and your Document 41 is 136.

DR. DIX: Will also be 135. Well, it doesn't really make any difference to me. Let's give 41, 135 and 42, 136.

THE PRESIDENT: Very well.

DR. DIX: 41 will be 135, 42 will be 136 and 42 we shall leave out.

Now, we are turning to conditions concerning salary and work. The first document 240, will be Exhibit 137. This is an ordinance of 1938 which entitles authorities to interfere with salary and working conditions.

Document 241 serves the same purpose which will become Exhibit 138. It originates from the beginning of the war.

Document 244 is Exhibit 139 and places the wages completely into the hands of the authorities.

Document 254 will become Exhibit 140. This prohibits worse treatment as well as better treatment of foreigners as compared to Germans.

Document 253 will be Exhibit 141. That concerns wage scales and

treatment of foreigners.

Document 44 is Exhibit 142. This is a memo for foreign workers and it is information concerning their rights, social insurance, work clothing, food supply, and so forth.

The next document is 45. That will be Exhibit 143. This document again prohibits better treatment of foreigners. It shows that there was a tendency prevailing among industry to even treat foreigners better than the Germans because there was a scarcity of workers.

The next document I shall not submit. It has really no document number. I asked to get it from the Flick people, and I found out that it did not refer to the chemical industry, but only to mining.

Then I shall go on to Document 105. It will be exhibit 144. That is an Ordinance of Sauckel's, which fixes uniform amounts to be paid by workers for their food and for their housing. The plant leader is deprived of every independent act. The amounts to be paid, on the other hand, are very low.

Now I am going to turn to the so-called Protection of Labor, Document No. 249. I offer it as Exhibit 145. This is an Ordinance dating back to the beginning of the war, which applies generally to Germans, too, abolishing protective measures concerning working time, etc.

Document 46 will be Exhibit 146. That deals with labor protection for foreigners, in particular, eastern workers. It also refers to child labor, protection of mothers, etc. The eastern workers, in particular, were put on an equal footing with the Germans in the year of 1944.

The next Document will be 259, 47, - there is a mistake in the English text. Instead of 259, it should be 257. Then we have Document 257, 47, 255, 212, and 211. They will receive Exhibit numbers 147, 148, 149, 150, and 151, respectively.

These documents show that in principle, the foreigners were equal to the indigenous people concerning their holidays with some exceptions. We saw from the testimony here that in view of the development of the situation, and in view of the progress of the war, this matter became more difficult in later years of the war and people could

not be granted holidays so often.

I now offer Document 274 which will be Exhibit 152.

THE PRESIDENT: 252- 152 is right, you are right.

DR. DIX: Yes, Your honor, Exhibit 152.

This document means the blocking of furloughs for August, 1944, applying to Germans and foreigners alike, in view of the war situation.

The next document will be 271, and will become Exhibit 153. This is a survey on transfer of wages. In order to save time for the translating section I only submit excerpts of this document.

I shall now submit Document 248, as Exhibit 154; Document 48 as Exhibit 155; Document 249 as Exhibit 156; finally, Document 50 as Exhibit 157. These four documents settle in detail the regulations concerning the erection of barracks, washrooms, sick bays, etc.

The regulations as the documents show, have changed somewhat. You can refer to the document concerning details. Now follow regulations concerning food, clothing and spare time. The first will be Document 230, which will receive Exhibit No. 158. This is a circular decree by the Reich Minister for Food who settled the increased rations of the camp inhabitants; 225 grams fat; 225 grams meat, etc.

Document 52, Exhibit 159, deals with the same subject. Please, to take notice of it.

Now I am turning to Document 275, which I shall offer as Exhibit 160. This is a chart from the Flick trial. Unfortunately I did not get it in time for me to draw it in colors. I hope one of the other gentlemen of the Defense will do that. From the photostat copy it does not become apparent clearly that the small cubes are to be the present ration amount, whereas the large columns

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represent the rations from 1944.

The next, your Honor, will be Document 51, as Exhibit 161. This is an affidavit concerning the same subject of comparison between foreigners and indigenous workers.

The same applies to Document 53 which will be Exhibit 162. This deals with rations of the year 1947.

MR. SPRECHER: We object to the introduction of Schneider Exhibit 162 on the grounds that it is both incompetent to the nature of the evidence and even assuming there was no objection to the nature of the evidence, that it is irrelevant.

DR. DIX: With respect to the part of the document which contains an excerpt from a newspaper, I shall withdraw the document. It originates from the Flick trial. It is an information from the Food Office in Cologne and then an excerpt from the newspaper; regarding the newspaper excerpt. I shall withdraw the document.

MR. SPRECHER: I still do not see any statement of the relevancy of the document. If Dr. Dix is making some claim that the Allies have not brought sufficient food to Germany, or that food is being taken out of Germans, well let's have it, and then we can make an objection to the relevancy. If he is trying to make a comparison between the food standards in Germany, after the destruction that has been brought in Germany, for reasons we all know, let's know that. I just do not see the purpose of it.

THE PRESIDENT: What is your purpose, Dr. Dix?

DR. DIX: The rations from the year of 1947 are the present rations, and I think that it is of importance in order to judge the rations of '45 or '44. It shows that the rations of 1944, allocated to these workers were sufficient in order to nourish them properly. That is why this

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statement is relevant.

We are not really concerned with the present situation, but we are concerned about the situation as it prevailed then, and its correct judgment.

THE PRESIDENT: Now the latter part of the document purporting to quote a newspaper article, as we understand, it, has been withdrawn from the offer. The objection to the main part of the document will be overruled. The Tribunal will admit that part of the exhibit upon the narrow field and basis that it may throw some light upon the extent of the rationing that was provided for workers under control of Farben, during the war time, or the time under inquiry.

MR. SPRECHER: May we have just a second?

THE PRESIDENT: Yes.

MR. SPRECHER: Thank you.

DR. DIX: We shall now turn to Document 54, which I submit, together with Document 163, Document 54 and 163; will receive Exhibit numbers 163 and 164. This is an affidavit about the care for foreign workers during the war, and their supply of clothing, especially after air raid attacks and a form of the Munich Land Economy Office.

The next will be 59, offered as Exhibit 165, Document 60; Exhibit 166 and 61, as Exhibit 167. These are certain conveniences granted to foreigners, a sport competition day, the release of workers to attend theatre shows, and there is an offer to get them newspapers in foreign languages.

This, Your Honors, brings me to the end of this book, and I should now like to ask my assistant, Dr. Storkebaum, to submit Books V and VI, if the Tribunal pleases.

THE PRESIDENT: Very well.

DR. STORKEBAUM (For the defendant Schneider): Document Book V represents the continuation of the submission of evidence concerning the treatment of foreign workers. With respect to the governmental care for the health of foreign workers, I am submitting two documents. The first will be Schneider 214, which I offer as Exhibit No. 168. This is a Decree of the Reich Labor Minister concerning the supervision of the community camps by the Trade Inspectorate. The Trade Inspectorate is asked to adhere to the necessary housing regulations for the workers and to take all precautions in order to prevent contagious diseases from spreading.

The next document is 136, which I shall offer as Exhibit 169. This concerns a Decree of the Plenipotentiary for Labor Allocation -- the GBA -- and lays down the basic equal rights of foreign workers concerning health insurance applying to workers. This decree excepts Poles and eastern workers however. According to this decree, the foreigners enjoy the same health protection by the Reich state insurance as is given to German nationals.

I shall now turn to Document 263 and 62, which will receive Exhibit Nos. 170 and 171 respectively. They deal with the part the German labor front played in the question of the care for foreign workers employed in the Reich. I should like particularly to point to Document 62, Exhibit 171, which represents an agreement between the GBA and the German labor front concerning the care for the welfare of foreign workers. According to Paragraph 1 of this agreement, the principle layed down applies to all foreign workers working in Germany and it states that they are assigned to the German labor front.

In conclusion of the chapter concerning treatment of foreign workers,

I now turn to the decrees which applied to eastern workers. As I have emphasized before, the eastern workers had an exceptional position among foreign workers. The legal provisions promulgated concerning eastern workers are so numerous that only a few could be submitted here and need to be submitted here. I shall, therefore, limit myself to the submission of those which I consider to be most essential in order to describe roughly the development of the problem of Eastern workers. Documents 72 and 216 are the next two in the book, and I shall offer them as Exhibits 172 and 173. It becomes apparent from these documents that workers coming from the eastern territories were subdivided into a number of groups. There is no need for any further explanation of these documents since after all they speak for themselves.

Document 217 I shall offer as Exhibit 174. This is a Decree of the Reich Labor Minister of 1942 concerning the medical care for Russian civilian workers. Even though the Russian civilian workers were not members of the social insurance system, they did, according to this settlement here, receive the minimum protection in case of sickness as it also applied to other foreigners in case of sickness. The entrepreneur had to pay a monthly lump contribution of four marks per head to the social insurance companies.

Then now follows Document 74 which will become Exhibit 175. This is Memorandum No. 1 for plant leaders concerning employment of eastern workers. It contains basic regulations. It would go too far to discuss the contents of the individual documents, and I just refer you to them.

Document 73 I shall offer as Exhibit 176. These are regulations governing the working conditions for eastern workers. It governs employment conditions for eastern workers and in this ordinance of the year of 1942 the concept "eastern worker" as it existed up to the end of the war is finally defined. Paragraph 2 of this regulation declares the employment of an eastern worker to be an employment of a special nature. Paragraph 3 gives us

specific regulations with respect to salary and grades of salary and points to a chart which is annexed concerning the various grades of salary.

Let me draw the attention of the Tribunal to this chart of salaries from which it becomes apparent how the wage situation was handled with respect to eastern workers and how many deductions were made for the Reich.

The next document will be 106. I shall submit it as Exhibit 177. This is an excerpt from the book "Labor Commitment of Foreign Civilian Workers". It refers to a directive by the GBA. According to this directive, the money paid to eastern workers can be increased if there is higher output.

The following Document 55 I shall submit as Exhibit 178. It deals with medical care for eastern workers.

The next will be Document 83, which will receive exhibit No. 179. It deals with the re-union of families of Eastern workers who are employed in Germany and who were separated through being allocated to the individual plants.

Exhibit 180 will be Document 120. This decree of the Plenipotentiary for Labor Mobilization is dated January, 1943, and it concerns itself with the inspection hygienic measures in the camps of Eastern workers by the Trade Inspectorate.

The next document will be Exhibit 181. This is Document 218.

The next document will be 219, Exhibit 182. Both ordinances deal with the payment of premiums to Eastern workers. I should like to emphasize that both ordinances are based upon a submission made by the German industry which, as a result of the extraordinarily low payments made to Eastern workers, intervened with the G.B.A.

The next document is Document 75, which I offer as Exhibit 183. This is a decree concerning the conditions of employment of Eastern workers of 1944. This decree represents the last step in the improvement of conditions for Eastern workers. We see that the Eastern workers were practically put on an equal level with Germans and other foreign workers.

The next document, 191, I submit as Exhibit 184. It is a decree pursuant to the implementation and amendment of the decree concerning the conditions of employment of Eastern workers mentioned before, and it settles the payments, and holidays for Eastern workers.

There now follows three other documents -- 78, 80, and 246, which will become Exhibits 185, 186, and 187, respectively. The first two documents contain decrees of the Reichsfuehrer-SS Himmler concerning general provisions about recruitment and allocation of foreign workers from the East. Both decrees are very illustrative. Strict police security measures are discussed in the first decree for instance, housing in camps surrounded by barbed wire, as well as absolute prohibition to leave the camp, etc.

The second decree issued two months later contains far milder provisions. According to that the strict provisions have been alleviated. The camps no longer have to be surrounded by barbed wire, nor do the families have to be separated. The absolute prohibition against leaving the camp has also been dropped.

The next document is an ordinance of the Reichsfuehrer-SS concerning the marking of Eastern workers. Those marks were started, in the case of Eastern workers, at the beginning of the war commitment. According to existing provisions, the mark "East" had to be used. Only in the year 1944 was another type of marking initiated for Eastern workers.

JUDIE MORRIS: Your last document was Exhibit 189, was it?
Wasn't it 187?

DR. STORKEBAUM: 187, yes.

DR. STORKEBAUM: The next document, 81, I shall submit as Exhibit 188. The document 89 is Exhibit 189. Document 82 is Exhibit 190. And finally Document 273 is Exhibit 191. They contain regulations of the Ministry of Food; orders by Hitler with reference to the food for Eastern workers. I refer you to the documents themselves with respect to their content.

This brings us to the end of Book 5. I shall now turn to Book 6. The next document book, Book 6, deals with matters concerning work discipline, concerning foreign workers, and also matters concerning breach of work contracts. It deals with the decrees promulgated for the maintenance of working discipline.

The first document will be Document 69, as Exhibit No. 132. It contains a decree of the OKW with respect to a factory guard for off limit Military Economy Plants. This contains detailed assignments for the factory guards in peace and wartime, as well as the incorporation into the Wehrmacht and into the Security Police. Furthermore, the position of the Betriebsfuehrer (the plant leader) inside the factory guard, as well as the selection and training of the guards themselves.

I particularly draw your attention to paragraph 3, on page 10, according to which the factory guard installed by the State also applies to R factories; that includes factories which were operated by Farben.

I must correct myself. Not "R" factories, but "W" factories.

DR. DIX: These were the factories which were supervised by the Ministry of Economy too. The concentration camp factories. It says here "G.B.W.," which was the Reich Ministry of Economy

DR. STORK-BAUM: The next will be Documents 261 and 65. These will be Exhibits 193 and 194. The first document deals with regulations by the Reich Ministry of Labor against breach of contract etc. in private industry. The second document is regulation No. 13 of the G.B.A. of the 1st of November, 1943. This regulation No. 13 is of particular importance, and applies to Germans and foreigners equally. In both regulations the loafing-on-the-job, the leaving of working place without excuse is prohibited and threatened with punishment. In particular, in regulation No. 13, the plant leader is obligated to maintain and supervise work discipline in the factory and to intervene in case of violations. Measures against loafing on the job and breaches of contract are the following: If the factory punishments are insufficient, reports about breach of contract have to be made to the labor offices in the case of indigenous personnel, and are to be taken up with the police in the case of foreigners.

Documents 64, 66, 68, and 262 will receive Exhibit Nos. 195, 196, 197, and 198. The first two documents concern a decree of the G.B.A. together with the Reichsfuehrer-SS in order to combat breach of contract, and it is dated 1943. There is a further decree of the Reichminister for Armament and War Production of the year 1944. In both these regulations reference is made to the previously mentioned regulating No. 13, and the supervisory duty of the plant leader is once more emphasized, as well as the various decrees of punishment against loafers

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and people guilty of breach of contract. The plant leader has to act ruthlessly. After having denounced the loafer to the police, the police will decide whether the man should be sent to a correction camp or to a concentration camp. The third of these four documents is a Gestapo bulletin of 1942 concerning the Security Police measures against Soviet Russian workers. Very strict provisions are mentioned, and I refer you to the document itself.

The last document, No. 262, is the decree of the G.B.A. of 1944. This is a clarification of how the reports for the punishment of delinquents have to be made. The next two documents, 28 and 143.....

THE PRESIDENT: If you please, it is time to recess. Before we recess I would like to say that I have been informed by our commissioner that he will have a hearing tomorrow and that defense for the defendant Duerrfeld has requested that his client be present at the hearing. If that is the desire of the defendant and his counsel, he will be excused from attendance here during the session.

I think that Judge Hebert has an announcement to make.

JUDGE HERBERT: It might also be advisable prior to adjournment to remind counsel of the announcement previously made by the President to the effect that the Tribunal will be in session on this coming Saturday. We will convene at the usual hour of 9:30 and sit until 4:30, according to the regular schedule.

I also have another announcement to make on behalf of the Tribunal. The Tribunal has been giving very serious consideration to its responsibility in the matter of expediting the trial of the case. We are deeply appreciative of the efforts of counsel thus far and are quite pleased with the division of labor that has been evident in the presentation of evidence.

However, I may say that things have still not proceeded quite as rapidly as we had hoped that they might. The Tribunal has concluded after very careful consideration that it would be helpful at this time to adopt a schedule providing for a shortly longer day. We have been falling behind on the schedule because allowance was not made for cross examination and other time necessarily consumed in the trial of the case.

We had a committee headed by Dr. Boettcher in yesterday afternoon and explained the position of the Tribunal very clearly to him and I understand that Dr. Boettcher and his committee have called a meeting of the defense counsel this evening immediately after adjournment and he will lay before you the full details of the conference had with the Tribunal on yesterday; but I do wish to announce at this time that we have decided that we will lengthen the trial day by 45 minutes as

indicated and we want to put that into effect tomorrow morning.

So tomorrow morning the Court will convene at 9:00 o'clock instead of 9:30. We will take our mid-morning recess at 10:30 instead of at 11:00 o'clock. We will reconvene at 10:45 and sit until 12:15. We will reconvene at 1:30, take the afternoon recess at the normal time -- namely, 3:00 o'clock, and reconvene at 3:15, sitting until 4:45.

We have estimated very carefully that under this schedule by the addition of 45 minutes per day over the next 12 weeks we can add approximately a full 9 trial days which is a considerable saving of time and an expedition of the progress of the trial; so the Tribunal will meet tomorrow morning at 9:00 o'clock instead of 9:30 in accordance with the previous schedule.

For the sake of clarity I will repeat that the working day will be from 9:00 to 4:45 with the recesses indicated until further notice.

Of course, if we make much more rapid progress than we anticipate in the next few weeks the Tribunal will reconsider the entire matter at that time and give it consideration.

Dr. Boettcher will have further matters to discuss with you in connection with the entire decision of the Tribunal.

THE PRESIDENT: The Tribunal is now in recess until tomorrow morning at 9:00 o'clock.

(The Tribunal adjourned until 0900 hours, 26 February 1948).

CERTIFICATE OF COMMISSIONER

I, JAMES G. MULROY, AGO #B-397399, hereby certify that I am a duly appointed, qualified and acting Commissioner, to take the testimony of witnesses under Order of Tribunal No. 6, in the case of United States of America vs Krauch et al; that pursuant to said Order, upon the dates hereinafter listed, I have supervised the taking of testimony of witnesses examined before me, and said testimony has heretofore been properly recorded, reported and filed in the Office of the Secretary General and now constitutes a part of the official transcript of proceedings in the above case; and the dates of such examinations, names of witnesses and pages of the said official transcript are as follows:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
¹²¹ 22 December, 1947	Paul H. Haeni	4577-4595
15 December, 1947	Karl Wolff	4596-4657
15 December, 1947	Gustav Schlotterer	" "
17 December, 1947	Kurt Krugger	4692-4710
9 January, 1948	Adolf Hoehle	4946-5024
9 January, 1948	Willi Dagne	" "
9 January, 1948	Karl Amend	" "
17 January, 1948	Alfred Zaun	5470-5512
17 January, 1948	Perry Broad	" "
6 February, 1948	Josef Joham	6826-6881
7 February, 1948	Franz Rottenberg	6957-6979
26 February, 1948	Noack Treister	7696-7732
27-28 February, 1948	Rene Balandier	7925-7963
16 March, 1948	Fritz Goernert	9288-9305
16-17 March, 1948	Gerhard Ritter	9305-9358
17 March, 1948	Heinrich Van Beek	9359-9376
18 March, 1948	Dr. Charles Bendel	9584-9616b

I further certify that the aforesaid transcript pages comprise a full, true and correct report of said proceedings, testimony and evidence heard and recorded at proceedings before said Commissioner.

Dated at Nurnberg, Germany, March 31, 1948.

JAMES G. MULROY
Commissioner of Tribunal No. 6

James G. Mulroy

COURT VI CASE VI
26 Feb 48-1-1-M-AM-Bielsi (Treidell)
COMMISSION

Official Transcript of hearing before a Commissioner for Military Tribunal VI, Case VI, in the latter of the United States of America against Karl Krauch, et al, defendants, sitting at Nuernberg, Germany, on 26 February 1948, Commissioner James J. Mulroy presiding.

THE MARSHAL: The Honorable Commissioner of Tribunal VI.

There will be order in the Court.

THE COMMISSIONER: The record will show that on this day the Commissioner of Tribunal No. VI is hearing the testimony of the witness Horck Treistor, and that this testimony is taken after due and timely notice served upon all parties concerned.

The Marshal may state what defendants are present.

THE MARSHAL: The defendant Duerrfeld.

THE COMMISSIONER: The record will so show.

Dr. Mueller, I understand that you are representing the Defense as a whole?

DR. MUELLER: Mr. Commissioner, I make the statement that the defendants who are not present and the Defense counsel who are not present waive their right to attend this meeting and that on behalf of the Defense counsel present here they represent all the other Defense counsel.

THE COMMISSIONER: I would like to ask you, Dr. Mueller, in regard to a hearing which was recently held in Vienna, will you state for the record--

DR. MUELLER: Also for the interrogation in Vienna, no objections can be made on account of the fact that one of the defendants or Defense counsel was not present there.

THE COMMISSIONER: Very well. Have you anything for the record at this time, Mr. Prosecutor?

MR. HINSKOFF: No, thank you.

THE COMMISSIONER: Mr. Prosecutor, you may call the first witness.

MR. HINSKOFF: Horck Treistor, for the Prosecution.

THE COMMISSIONER: Please produce the witness Treistor.

MR. HINSKOFF: May it please the Commissioner, Horck Treistor is a

national of Czechoslovakia. I am not sure off-hand the proper form of the oath.

THE COMMISSIONER: I have the oath here, Mr. Prosecutor, so it will be all right. Bring the witness in.

MONCK TREISTER, a witness, took the stand and testified as follows:

THE COMMISSIONER: Witness, you will remain standing, raise your right hand, pronounce your name...

THE WITNESS: Monck Treister...

THE COMMISSIONER: And now I will repeat to you the oath of a witness of your country, and after I have done that I will ask you to say "I swear," Do you understand?

THE WITNESS: Yes.

THE COMMISSIONER: I swear a pure oath, that to all questions asked here before this Tribunal, I shall answer only the truth, nothing but the truth, and that knowingly I shall withhold nothing.

(The witness repeated the oath.)

THE COMMISSIONER: You may say "I swear."

THE WITNESS: I swear.

THE COMMISSIONER: The witness may be seated.

Mr. Prosecutor, have you any direct examination?

MR. LINSKOFF: Just a question, please the Court.

THE COMMISSIONER: You may proceed, please.

DIRECT EXAMINATION

BY MR. LINSKOFF:

Q. Mr. Treister, what is your full name?

A. Monck Treister.

Q. And where do you presently reside?

A. At Prague.

Q. Mr. Treister, with respect to your affidavit which is in evidence as Exhibit 1484 for the Prosecution, are there any corrections or additions that you wish to make at the present time?

A. Yes, I would like to change one thing: That I was not arrested at Prague, but only in Poland.

Q. Are there any other corrections or additions?

A. No.

MR. MINSKOFF: The witness is available to the Defense.

THE COMMISSIONER: Thank you, Mr. Prosecutor.

MR. MINSKOFF:

Mr. Witness, you will be asked certain questions by the attorneys for the defendants, and you will please understand that you are entirely free to testify fully and freely in response to any questions that are asked you. However, it is the desire of the Tribunal that you make your answers brief and direct and avoid any unnecessary comment. Just before you, you will see two lights connected with our sound system. Your testimony is translated into two languages, and the Commissioner will not hear anything that you say to me in German; it will have to be translated. So that there must be a slight pause between question and answer. The yellow light, when it is flashed, will indicate that you are going too fast, and it is a request that you slow down. The red light is a stop signal, and whenever it is flashed you should stop completely until you are told to proceed. That is all, Mr. Witness.

The Defense may now interrogate the witness.

THE COMMISSIONER: Please state your name.

DR. SEIDEL (for the defendant Duerrfeld): Mr. President, before I start the questioning of this witness I would like to state for the record of this Commission that the defendant Dr. Ambros and his Defense counsel are prevented from attending this session in spite of their desire to attend it, because today the case in chief of Dr. Ambros starts before the Tribunal, and therefore I will take the liberty of asking the necessary questions for the defendant Ambros also.

THE COMMISSIONER: Then as I understand it, Dr. Seidl, for the purposes of this hearing you are representing defendants Duerrfeld and Ambros?

DR. SEIDL: Your Honor, I myself defend only the defendant Dr. Duerrfeld. In view of the fact, however, that Dr. Ambros and his Defense counsel must be present in the main Court today, I shall represent the Defense counsel for Dr. Ambros here too.

THE COMMISSIONER: That is satisfactory. You may proceed.

I should like you, Dr. Seidl, if it is possible to do so, I should like you, if there is any difference as between the points raised by defendant Duerrfeld and defendant Ambros, to indicate which defendant you may then be speaking for. Can you do that, do you think?

DR. SEIDL: Your Honor, I don't think that it will be possible to make a distinction here between the questions for Ambros or for Duerrfeld because it is the same subject matter. However, if the answers of the witness here would make it necessary to ask special questions for Dr. Ambros, then I will inform the Commissioner.

THE COMMISSIONER: Very well.

MR. HINSKOFF: Your Honor, lest there be a confusion later on in the record, I would like to make it clear that I am not aware of any objection having been raised to the hearing being held today in spite of the afore-knowledge of the defendant Ambros and his attorney that he would be in Court today, so that I take it this is not an objection that is being made, but just a comment or explanation for the reason why Dr. Seidl will ask questions regarding Ambros as well as Duerrfeld. I take it the record will not in any way indicate that an objection is being raised to this Commission hearing today.

THE COMMISSIONER: I have the same attitude about it as you have, counsel; but it seems to me that from what has been said the record should be abundantly clear that all parties who may be interested in this proceeding are either present personally or through an authorized counsel.

CROSS EXAMINATION

BY DR. SEIDL:

Q Witness, first of all would you please tell me when you were born?

A 21 May 1915.

Q Witness, you will make it much easier to continue the proceeding here if you make a short interval after the question before you give the answer, so as to afford the interpreters a chance to catch up with you.

What is your profession, Mr. Treister?

A I am a shoemaker, producing the upper part of the shoes.

Q When were you arrested, witness?

A About the 5th or 6th of August.

THE COMMISSIONER: Dr. Seidl, there seems to be some difficulty with the sound apparatus. The translator reports that he is not able to hear the testimony of the witness. Perhaps, Doctor, your last two questions, perhaps you remember those and could repeat them?

Q (BY DR. SEIDL): My last question to you was, witness, when you were arrested, and I ask you to give me the exact date, if possible.

A I was arrested either on the 5th or 6th of August, 1939. Only a few short days after the invasion of Poland.

Q You were arrested in Poland?

A Yes.

Q After the German troops marched in, you mean?

A Yes.

Q And why were you arrested?

A In the town where I lived at that time there were certain peoples partisan troops that formed themselves to

fight against the German invaders.

Q Were you a member of a political party then?

MR. MINSKOFF: Mr. Commissioner, you are undoubtedly aware that in the full Court before the Tribunal from time to time discussions were had concerning this precise question. Dr. Seidl knows full well that the Court indicated in no uncertain terms that questions such as political affiliations or political parties have no bearing whatever on the issues before this Court. Dr. Seidl was present when the discussions took place. He participated in the discussions. At this point to re-raise the same question merely opens the door to the Prosecution to raise similar questions, all of which are completely immaterial to any issue before the Tribunal.

DR. SEIDL: May I shortly comment on the statement by the Prosecution. It is true that at one point the Tribunal has discussed the question of asking about the party membership. However, not in one single case did the Tribunal consider the question in itself inadmissible, and I personally am of the opinion that the question is in direct relation with the affidavit given by this witness; after number "1" in his affidavit he states specifically he was arrested for political reasons. Under those circumstances it is, of course, very near to ask whether he was a member of a political party at that time. Above all, when the Tribunal explained its position it has stated that it might be dubious whether a question may be asked of a witness concerning his present party membership. But even in that case the Tribunal did not by any means declare the question inadmissible, but only expressed that the probative value of such a statement can be subject to differences of opinion and that the Tribunal might not give too much probative value to such a question.

MR. MINSKOFF: If it please the Commissioner, I should like to make just one further comment. It is hardly necessary to state here again that what Dr. Seidl is pointing out is not even an approximation of what the Tribunal had said. The question as to whether a man was arrested because he was fighting Nazism, whether it was just because he was a Socialist, or because he was a Communist, or for any other reason, the charges against Farben and the defendants in this case are based on a treatment of human beings, and the mistreatment of those human beings, it being completely unimportant for what reason the Nazis or the Gestapo saw fit to take the freedom of those human beings away from them and bring them into a camp. Now, if Dr. Seidl wanted to show that the man was a criminal, that might be relevant to show the arrest is proper; but whether he was in a Communist party, or a Socialist party, or a democratic party, it is the sort of thing which the Tribunal would have no interest in, and only persons in Germany could have an interest -- completely apart from a judicial or proper interest.

THE COMMISSIONER: Well, now, counsellor... Mr. Prosecutor, I will ask you a question. If I rule that the question is improper and the witness is not required to answer... if I should so rule, of course, that line of testimony could not be proceeded with. Now, suppose that comes up to the Tribunal, and the Tribunal reverses my ruling... you might then be in a position, the witness not having answered the question, of having to bring the witness back to Nuernberg. Do you care to take that chance, or would you rather have the witness answer the question now subject to its being stricken later. I agree with you, by the way.

MR. MINSKOFF: Your Honor, I don't think the question is that important. The indications in the past have been that the Tribunal had no interest in this type of question. The Tribunal even points out, that the Prosecution as well as the Defense should not have gone into the question of affiliations. Do you recall... I myself on behalf of the Prosecution, after the Defense had raised the question of Communist affiliations or party affiliations, asked each subsequent witness at the outset whether he at any time was connected directly or indirectly with the party. These questions went on for about five or six witnesses; and later the Court said both sides had erred, the question was immaterial and completely improper and had no probative value on the issues. In view of that it is a slight chance we are taking. On the other hand, if the Commissioner feels that it would be safer to have him answer the question... the presumption is too strong.

THE COMMISSIONER: It is just that point that it will come up for further argument and possible reversal by the Tribunal, and then you would have to bring the witness in again.

MR. MINSKOFF: If it is reversed we can bring the witness back.

THE COMMISSIONER: I will rule that the question is improper and the witness is not required to answer.

You may proceed, Dr. Seidl.

BY DR. SEIDL:

Q Well, that brings me back again to the time of your arrest. You said that that was after the German troops had invaded Poland, that is, at the beginning of August, you said, isn't it? Do you maintain this statement if I put it to you that the war between Germany and Poland began only on

the 1st of September?

A Probably that was a confusion in my memory. It must have been on the 6th or the 8th day after the German troops marched into Poland.

Q In other words, you want to rectify your statement by saying that the arrest was not on the 5th, 6th, 7th or 8th of August, but on the corresponding day in September, is that correct?

A Yes.

I would like to make a statement, in spite of the fact that the Tribunal has ruled out the question of my affiliations to a political party at that time

During that time I was not a member of any political party. At that time, when the German bandits invaded Poland, then resistance movements spontaneously formed themselves to fight against the German Nazi troops, and at the same time there was not sufficient resistance and the Germans could very quickly advance, but the spontaneous resistance movement very quickly covered all Poland and they covered up the political parties.

Q I don't think, witness, you have to make any further statements. You have answered my question. I don't want to anticipate the ruling of the Commissioner, I only want to say that in this connection I have no further questions to the witness, that is, as far as his affiliation to a political party in September 1939 is concerned.

A I anticipated that. Counsel was making an attempt to make believe --

THE COMMISSIONER: Just a minute, please. We cannot have argument between counsel and the witness, and you have answered the Defense counsel's question, and you must wait

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not until he asks you another question.

You may proceed, Dr. Scidl.

Q. Where were you brought after your arrest Mr. Witness?

In your affidavit you stated you were brought to Buchenwald. How long were you in Buchenwald?

A. That was in 1942.

Q. From Buchenwald where did they send you?

A. To Auschwitz, to the Stalag.

Q. How long were you in the main camp in Auschwitz?

A. Only a short period of time, about ten days, it might have been, or two weeks.

Q. Then when were you brought to Monowitz, Camp IV?

A. Then I was brought to Monowitz, in the I. G. Camp.

Q. When?

A. That might have been the beginning of November, or perhaps a little bit earlier.

Q. How long did you stay in Monowitz?

A. Until the 19th of January 1945.

Q. When in November 1943, you were brought to Monowitz, what work were you assigned in the Auschwitz plant of the I. G. Farben?

A. I was in Detachment 2, loading of bricks, and unloading various other things, amongst them iron pipes.

Q. How long did you work in that Detachment 2?

A. Perhaps about 6 weeks, maybe 5 weeks.

Q. And you had to unload bricks in this detachment?

A. Very often we had to unload heavy pipes.

Q. During the unloading of the bricks, which normally is some light activity, did you have to work at the speed that you could not comply with?

A. Yes. If the whole day we had to unload these heavy bricks, then the fingers in the evening were all bloody on account of the work we had to do, because the foremen were there and the unloading had to be done in a very speedy way to see to it that the freight cars could go on.

Q. Were those foremen of the I. G. or were they foremen of the many building firms who were assigned there?

A. In this case it only concerned foremen of the I. G.

Q. How do you know that, witness? Are you in a position to state the name of one of those foremen?

A. I cannot very well remember the names of those foremen now, but it was a big unloading yard where various construction firms came, and fetched their material. Therefore, everybody knew that this belonged to the I. G., and the freight cars very often had labels "To the I. G. Farben".

Q. Can you tell me approximately where this unloading yard was?

A. Well, just now it is rather difficult to tell you where it was situated, but it was on the road that was quite in front there, to see to it that the freight cars could arrive right away.

Q. Was it north, south, east or west of the plant?

A. That is hard for me to say at this time.

Q. In other words, you are not in a position to tell us where this unloading yard was?

A. If I have a plan here of the I. G. site, then I could show you where it was.

Q. Then that was your next detachment after this five or six week period?

A. The next detachment was to unload concrete. That was in the building 820.

Q. How long did you remain in this detachment?

A. Well, at that time it was detachment 4.

Q. Well, what I mean to ask you is how long you were with this concrete detachment?

A. About a week.

Q. And then where were you sent?

A. In the disinfection section of the camp.

Q. In other words, it was a detachment working within camp

A. Monowitz?

A. Yes.

Q. Do you know which detachment?

A. That was detachment 76, and then 26.

Q. What kind of work did you have to do with Detachment 76?

A. Unloading freight cars.

Q. I would like to know what you had to unload?

A. Well, iron pipes, various parts of engines.

Q. How long did you stay with this detachment?

A. A short period of time.

Q. Would you say one week, two days, or five weeks?

A. Well, let's say two weeks.

Q. What kind of work did you have to do with detachment 26?

A. With detachment 26 I personally had light work, if only for the reason that as an old inmate, I was supported by my comrades, because I am not in a very good physical condition and the detachment had a certain amount of technical work to do, and therefore, I could do some lighter work.

Q. Well, what I would like to have you do is describe to the Tribunal the manner of this technical work, in a few brief sentences, of course.

A. Well, for instance, in this detachment we had to pile up machine parts.

Q. Witness, will you please repeat the kind of activity you had to do there? The technical expression may be difficult to translate.

A. What I said was that flanges had to be put on piles there.

Q. Would you please describe to us what the flanges are?

A. They are round iron pipes and they are piled up higher and higher on this yard.

Q. How long were you in this detachment?

A. About two months.

Q. Was it a detachment directly under the I.G. -- that is, under the foremen, or was it a detachment depending on one of the many construction and assembly firms not belonging to the I. G.?

A. It was a detachment only on loan of the I. G.

Q. Can you tell us who was the foreman of the I. G. with this detachment? I presume you know the name of the I. G. foreman, because after all, you worked two months in that detachment.

A. Just now I can't remember the name in spite of the fact I know perfectly well what the name was. I think it was Koenig, but just now I can't ascertain this name with certainty, because it is already quite some time ago.

Q. Well, witness, a while ago you stated that you were brought to an easier detachment because you were what was called a so-called old inmate. Did I understand you correctly?

A. I don't think I said that. I said in this detachment I got lighter work but you must not understand that in such a way that the detachment, itself, was a detachment with lighter work.

Q. Well, what I would like to know, witness, is who decided you should get lighter work? Was that decided in the labor assignment office of Camp IV, by the SS, or by an inmate, or was it decided on the construction job by the capo who was an inmate, also, or was it decided by the Meister, Koenig, or the I. G.?

A. That was the capo who decided that. Once the foreman, needed a reliable man to do this work, to do it in such a way as he wanted it, and the capo assigned me for the work.

Q. In other words, Meister Koenig wanted a reliable man, and he approached the capo, and the capo suggested you as the reliable man, is that correct?

A. Yes.

Q. Can you tell me in a few brief words, witness, when you started your activity in detachment 26 and detachment 76 -- whether it was 1943 or 1944?

A. Well, at the beginning of 1943.

Q. After you were removed from detachment 26, where were you brought?

A. I was brought into the sick bay.

Q. You mean in the sick bay in Monowitz camp?

A. Yes.

Q. Can you tell us approximately when you were brought to the sick bay?

A. I can't tell you exactly, but it was in 1943.

Q. And you remained in the sick bay until the end -- that is, until the 19th of January 1945?

A. Yes.

Q. Well, now, you tell us that altogether you worked with four detachments in the plant of Auschwitz of the I. G., itself?

A. Yes.

Q. During this period were you beaten by a member of the I. G. in the plant?

A. Yes.

Q. Can you tell me with which detachment that was?

A. Detachment 2.

Q.- Can you tell me who the foreman or the Meister was who beat you?

MR. MINSKOFF: The questions are coming in such rapid succession that I am not sure of the answers. If there were a pause between questions, we would get them a little more clearly.

THE COMMISSIONER: You heard that, Mr. Witness.

BY DR. SEIDL:

Q.- In other words, you cannot tell me what was the name of the man of the I.G. who beat you in Detachment 2?

A.- No, I can't remember the name.

Q.- Well, how do you know, then, at all, that he was a member of the I.G.?

A.- I have already stated that the whole detachment was a big enterprise that unloaded material belonging to the I.G., and this foreman belonged to the detachment, therefore, one could conclude he was from the I.G.

Q.- How did you know that this whole unloading yard was serviced by people only from the I.G.? Did anybody tell you that?

A.- First of all, I told you several times that when the freight cars arrived at this unloading yard, there were labels on them "I.G."; second, very often control personnel of the I.G. arrived at the plant in order to check the work. Third, the capos themselves even said: "We have to be very careful, because this is a detachment of the I.G. and the I.G. has secret control personnel and they make reports on the camp if the inmates do not work sufficiently."

Q.- Who was the capo who told you that?

A.- Juden, Franz was his name.

Q.- Were you beaten once, or were you maltreated several times?

A.- That happened very often when we unloaded heavy pipes the foremen just went on beating us because they said they had to have the freight cars empty, because otherwise they got in trouble with the I.G. from the

top level people.

Q.- But you are not in a position to even give us the name of one single foreman who beat you?

A.- At the time in that detachment I didn't know the names of the foremen, even if only because I had very little contact with them. They either came with a stick or something else in their hands, and they were always shouting: "Raus, "get on", this freight car has to be emptied regardless of what happens." I can, for instance, remember that once when a freight car was unloaded, an inmate fell under a pipe, it crushed his legs and the next day he was dead.

Q.- Do you mean to assert that some member of the I.G. was responsible for this accident, or do you mean to say that this was a work accident, as it can happen anywhere?

A.- It is obvious that the I.G. has a responsibility on account of the conditions under which we unloaded. First, they didn't give us any facilities or tools for unloading. Second, the people were beaten while they were unloading such heavy pipes, and, therefore, very serious accidents could happen, of course. That is why I want to say this was not an ordinary working accident. That is a case that could happen only because the foremen were pressing us to hurry, hurry, hurry.

Q.- Well, that brings me to the period when you were working in Camp IV itself. You said you were in the disinfectant department?

A.- Yes.

Q.- Who was in charge of this disinfectant department in Camp IV?

A.- That was a sort of camp disinfection -- field disinfection, as the German Wehrmacht had it. At the beginning when they started this, I directed it myself under the supervision of the SS.

Q.- Camp IV was administered by the SS, is that correct?

A.- I believe that Camp Monowitz, that is, Camp IV, was more under the orders of I.G. than the SS.

Q.- Witness, it is correct that the commandant of the camp was SS Hauptsturmführer Schoettl?

A.- At the beginning, the camp was administered as a subsidiary camp of Auschwitz, and then it became an independent camp, with its own commandant. Very often we were told that, and it was a known fact at the time.

Q.- Excuse me, for interrupting you. You didn't answer my question. My question was: is it correct that the commandant of camp 4 was SS Hauptsturmführer Schoettl?

A.- Yes.

Q.- Do you know that forty to fifty other labor camps were part of the concentration camp of Auschwitz that were in the neighborhood of Auschwitz, and were all under the administration of the SS?

A.- I don't know about that.

Q.- Now -- I will withdraw that question. I want to ask something else. Your activities in the disinfection department were assigned to you by whom -- by the capo, or did the SS do it? Will you describe that in a few brief words?

A.- Well, they were looking for men who knew something about disinfection, and after my stay in Buchenwald, where I had worked for some time in the sick bay, I reported here in Auschwitz for this work.

Q.- Who transferred you into the disinfection department -- was it the SS, or was it a capo, or the camp oldest, or somebody else?

A.- The SS.

Q.- That brings me to your work in the sick bay of Camp IV. Who sent you to this work?

A.- They looked for people who had been maddies in other camps, and that is why I reported for this work.

Q.- Who assigned you to the sick bay -- the SS, the capo, the camp oldest or somebody else in the camp?

A.- I was brought to the SS-Obersturmführer.

Q.- Under whose supervision was the sick bay in Camp IV?

A.- Under the SS and partly under the I.G., because the I.G. exerted pressure to see to it that only a certain number of sick people could be in the sick bay and even fixed the period of time during which a sick person could remain in the sick bay.

Q.- Witness, what was the name of the leading physician of the SS in the sick bay?

A.- Koenig, Obersturmfuehrer Fischer --

Q.- Can you tell me the name of other doctors working there?

A.- SS doctors you mean?

Q.- Yes.

A.- I can't remember. Well, Entres.

Q.- Witness, did you have an opportunity to look at the correspondence between the camp physicians of Camp IV and other agencies, like the I.G. or SS medical units, etc?

A.- I didn't understand your question.

Q.- Well, I will repeat the question, witness. Did you have an opportunity to see the correspondence which the camp physicians in Camp IV had with the main physicians at Auschwitz or with the chief physician of the concentration camps, with the inspectorate of concentration camps in Berlin

A.- I don't know anything about that.

Q.- Did you have an opportunity to look at the correspondence the camp physicians had with civilian agencies or civilian authorities, or with firms like the I.G.?

A.- Well, I can only say the SS Obersturmfuehrer physician always exerted pressure on the Standort the permanent physician. Yes, I understand your question.

Q.- I want to know, witness, whether you have seen correspondence between the SS physicians not with SS agencies, you have answered that already -- but whether you have seen any of the correspondence between the SS phy-

sicians and private persons?

A.- I have not seen that.

Q.- That is enough. You have said enough.

A.- Yes, but I could make a comment.

Q.- It isn't necessary. I will ask the questions necessary to speed up the proceedings, and that is why I am asking you -- were you in the office of the sick bay? Did you work there?

A.- No, I didn't work there, but I was there very often.

Q.- Was it known to you that the physician, or the chief of the sick bay in Camp IV, received his orders only from the physician at Auschwitz, or the chief physician of concentration camps in Berlin or Oranienburg?

A.- No, I never heard anything about that.

Q.- What kind of work did you have to perform in the sick bay of Camp IV?

A.- For a certain period of time I was in Block 16, the Surgical Department. There it was my task to take care of the sick, to change the bandages and clean up, etc. -- all the work that had to be done there.

Q.- How many inmates worked in the sick bay as physicians and medics?

A.- That varied. For a certain period the I.G. allowed forty. Then afterwards when the camp became larger and when the inmates exerted pressure on the SS physician, he tried to increase the number of medical personnel, because the number of medical personnel allowed by the I.G. was very limited and they had to work too hard.

Q. Witness, how do you know the I.G. Farben directives in this respect? Did you yourself read written instructions as to their contents?

A. No, I didn't read any, but I know—

Q. That is sufficient, witness, you have answered the question. Did you yourself witness...

THE COMMISSIONER: Just a moment.

MR. MINSKOFF: If I understood the question correctly, it was "how do you know?". If the witness wants to answer how he knows, he should be permitted to answer how he knows.

DR. SEIDL: This is a mis-understanding. I asked the witness, "Did you yourself see written instructions issued by the I.G. to the camp physicians of Camp IV in Monowitz?" This question can be answered with "yes" or "no". The witness has answered "no", and I think the question has been answered by that.

THE COMMISSIONER: I think so too. You may proceed, Dr. Seidl.
BY DR. SEIDL:

Q. Witness, did you yourself, at one time, attend at an incident when a member of the I.G. gave orders or directives to the medical officer in Camp IV concerning the number of sick people and the kind of treatment?

A. No, I did not attend at that. However—

Q. I believe that is sufficient, witness, you have answered the question with "no".

Other witnesses have been interrogated before Military Tribunal VI who have stated that at certain periods 55 inmates were working in the sick bay as medics and physicians. Is that correct?

A. I cannot remember the figure.

MR. MINSKOFF: If the Commissioner please, we object to any question as to contemporaneous statements by any other witness. Rulings have been made on that, time and again, before the Tribunal.

THE COMMISSIONER: It is my thought, Dr. Seidl, that in interrogating this witness you must remain within the framework of the affidavit, and I think that questions as to what other witnesses have testified is improper here.

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BY DR. SEIDL:

Q. Witness, can you tell me how many beds were available in 1944 in the sick bay in Camp IV?

A. I cannot recollect that exactly.

Q. Well, can you give me an approximate figure? Can you say it was 300, or 1,000?

A. In the barracks where I worked there were 130 beds, and the average of the sick rate at that time—

Q. Witness, you have answered part of my question. You said that in your barracks there were 130 beds.

A. Yes.

Q. Well, how many barracks were there available for the sick bay in Camp IV?

A. I think there were four or five barracks, but not all barracks had that many beds. However—

Q. That is sufficient, witness, that is enough. You have answered the question.

Can you tell me how many inmates were housed in Camp IV in 1943 and 1944?

A. I think the number was ten to twelve deaths.

Q. I didn't ask you about the number of deaths, I asked you about the number of inmates.

A. Well, that is what I said, "inmates". I couldn't tell you the exact figure, but I think that the figure was ten to fifteen thousand inmates could be correct.

Q. You said that in Camp IV there were ten to fifteen thousand—

A. I mean the number of inmates in the camp, but not the number of varying inmates there.

Q. Well, that is what I mean. Were there ten to fifteen thousand inmates in Camp IV?

A. Yes, but there was quite a bit of fluctuation, they were transferred, new ones would come in, others would leave, and so on and so forth.

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COMMISSION

I mean, this ten to twelve thousand is the normal number of inmates in the camp.

Q. Witness, you were in the sick bay?

A. Yes.

Q. Can you tell me approximately how many inmates per year—let's say, for instance, in the period from June 1943 to June 1944—died in the sick bay?

A. Well, of course, I can't give you any exact figures there, but the number of persons who died in the camp is very small in comparison with the figure of those who were transferred to the gas chambers, and I know that the number of those who were sent to Birkenau, to the gas chambers, can be found out.

Q. I now have another question, witness.

THE COMMISSIONER: Dr. Seidl, may I ask how much longer your questioning is going to continue?

DR. SEIDL: I assume, Your Honor, that I still have 20 or 30 minutes to go.

THE COMMISSIONER: I think, in that case, we will take our customary morning recess of ten minutes.

(A recess was taken)

THE MARSHAL: The Commission is again in session.

THE COMMISSIONER: You may proceed, Dr. Seidl.

DR. SEIDL: Very good, Your Honor.

BY DR. SEIDL:

Q Witness, in your affidavit you state that the inmates, for the major part, had to work outdoors. Isn't it a fact that from 1943 on, and particularly in 1944, many inmates worked in workshops and in offices?

A In 1944, that is right, and sometimes that occurred at the end of 1943. However, the majority of these inmates worked outdoors, for example, in the unloading of --

Q Excuse me if I interrupt you, but the question has been answered.

Who escorted the inmates? Were they SS Guards? Also, is it correct that you yourself took part in the delivery of underwear and laundry?

A Yes, that is correct.

Q In your affidavit you state that the inmates often protected themselves against the cold by wrapping paper around their feet. Is it known to you that paper is a very good insulation against cold, and that, in the armies of various countries, soldiers wrap paper around their legs and that there is nothing strange about it?

A I don't know, but if an inmate doesn't have any underwear, the dirty paper around the body becomes very inconvenient, and that is quite a different thing.

Q Is it correct, witness, that in winter the inmates received overcoats, and that a large number got underwear and blankets to protect them against the cold?

A In 1941, and at the end of 1942, when we came to the camp, we did not have any coats. We got coats later on.

Q Thank you, that is --

A But --

Q That is enough, witness. So far as I am concerned, the question is answered.

I shall now turn to food. Is it correct that food was placed at the disposal of the inmates of Camp IV by the SS?

A That is only correct to this extent, when for the first time, food was taken over by I. G., and --

Q Isn't it correct, witness, that later -- that is, in 1943 and 1944 -- the preparation of food was carried out by the inmates in Camp IV?

A Yes, that is correct, but under the supervision of I.G. The bread was distributed under the supervision of I. G.

Q Isn't it correct that the preparation of food in Camp IV, as well as the distribution of food, for inmates, was carried out by inmates under the supervision of the SS?

A But at the same time by the I. G. The second chief of the kitchen was a man assigned to the work kitchen by the I. G., and the I. G. had the supervision of the stocks of food, of bread, and of the distribution.

Q Are you in a position to give me the name of the two supervisors?

A No, unfortunately not.

Q It results from your testimony that you yourself were active in four assignments in the plant of the I. G. Did you see any inmates break down? How many did you see break down?

A During the first time when I work with Command II, there were very many, approximately up to ten people broke down every day, and in the evening three were half dead when they were taken back to the camp.

Q How many inmates were assigned to this concrete command?

A There were approximately 100 men.

Q Do you want to say that inmates also broke down in other commands in consequence of heavy work, and can you say how many there were?

A This happened as a matter of course in all commandos. In the evening when they came to the camp we could see quite a number of people who were taken back. As to the percentage, there might have been more or less in other commands; it depends on how heavy the work was and how the foremen of I. G. behaved.

Q Now, witness, you said that the minimum output of the inmates was 50 to 60 percent, and that it was sufficient if the Capo obtained an output of 50 percent, as compared with the normal work done by a free worker. Won't you admit, then, that it is true when I say that, as compared with free workers, the working demands made upon the inmates were not very high?

A I would like to say that the foremen expected and asked for more work from the inmates than from the civilians the reason is that they couldn't threaten or beat the civilian workers, while the inmates were never protected by anybody and they could do whatever they wanted to with them. Therefore, the question of percentage was different. There were several Capos who tried to ask the foremen to list a lower percentage in their reports than the inmates had claimed. They were actually foremen who increased the percentages, on the requests of the Capos.

Q Well, witness, you say in your affidavit, under figure "3", that the minimum output was about 50 to 60 percent, and only he who had less output had to face punishment. Doesn't it result from that, quite clearly, that half the required output of inmates was sufficient and that there were no reprimands? Please answer yes or no.

A Yes, 50 to 60 percent. If that was the output, there were no complaints. I want to make a statement with regard to that. There were foremen of the I. G. who always wrote "20 to 30 percent" regardless of what the real output was. They did that only in order to annoy and make life difficult for the inmates.

QUESTIONS BY DR. SEIDL (Cont'd):

Q. There were they, can you give me the name of a single foreman who registered an output of less than 50 per cent as you say as 20 or 30 per cent?

A. I know that in my camp there were many such foremen.

Q. Excuse my interrupting you, I asked if you can give me a name.

A. I told you already that I can't tell you the names.

Q. Witness, who was responsible for the clothing of the inmates, that is, I mean to say who had to distribute the underwear and the clothing necessary to the inmates?

A. The SS.

Q. Under number 9 of your affidavit, witness, you said that Dr. Duerrfeld attended the morning roll calls several times.

A. Yes.

Q. At these morning roll calls were the inmates lined up in the yard of the I.G. plant, and who made this roll call?

A. It was customary very often after the morning roll call which was called by the Obersturmfuehrer to make so-called selections and there the SS arrived together with the civilians. I remember one time, it might have been twice even when Dr. Duerrfeld was present. There were people who marched in a slack way and they were put to the left of the ranks. I remember one case where such a selection took place and where Dr. Duerrfeld asked the Hauptsturmfuehrer Schoeth whether these people could not be used at all anymore. Whereupon Schoettl showed Dr. Duerrfeld by touching them on the arm, well there isn't much flesh left on them at all and then Dr. Duerrfeld said, well, there is nothing to do anymore then and in this case I well remember that our disinfection detachment was the last one to leave the roll call and the gate was quite near where the selections were carried out.

Q. Well, but you stated in your affidavit and you have also testified here that at least part of the inmates had to do heavy work, is that correct?

A. I didn't understand your question.

Q. In your affidavit you stated that at least a part of the inmates had to do heavy work in certain detachments, is that correct?

A. Most of the inmates had to do heavy work. Only an infinitely small fraction were placed in the office or for better work at the end of '43 and '44.

Q. But in your affidavit you go on to state that there were many inmates who were in poor physical condition, is that right?

A. Yes, of course.

Q. Witness, that is enough to say yes or no.

A. Yes.

Q. Well, isn't it an easy assumption then that the I.G. or certain plant leaders of the I.G. made it a point to see to it that inmates were assigned to those detachments who on account of their physical condition weren't fit for such work and that those inmates who were not in such a working capacity were employed in working in detachments where lighter work was done and that eventually if necessary they were made available to other labor camps or the main camp at Auschwitz. Is that assumption right?

A. No.

Q. Well, it's sufficient for me if you say no.

Your Honor, I would like to make a statement with regard to this question. Your Honor, the witness has answered the question by no and it's a question that can be answered by yes or no and in this connection I have no further questions.

MR. INSOFF: If the witness feels that the question cannot be answered solely with a yes or not but a yes or no with an explanation, it seems to me that the answer is incomplete unless the witness has completed what he wants to say to the Court so long as it's responsive to the question.

THE COMMISSIONER: It would be my opinion that the question is not proper inasmuch as it calls for a conclusion of the witness, but there is no objection offered to it so I think the witness may properly answer it.

Now, as to whether or not the question has been completely answered, that is another matter. Mr. witness, did you have anything you wished to add to your answer?

THE WITNESS: Yes, Your Honor.

THE COMMISSIONER: You may proceed to do so briefly.

THE WITNESS: Thank you, Your Honor.

A. (Continued) It was quite clear as far as the plant leaders of I.G. were concerned that they could see what conditions the inmates were in. It was also clear for them that the inmates were not strong enough to do the work they were assigned to because the I.G. plant leaders could go around and see on the yard inmates who were broken down who couldn't even walk. It was impossible to find lighter detachments for the inmates. The I.G. made them do the hardest work, the most exhausting work, the cable command, the road building command, and the concrete command.

The other workers, the penitentiary workers, for instance, were all given better work by the I.G. than the inmates. Every foreman could recognize the inmates as they wore short trousers, that they had legs bare and no shoes and torn shirts. It was clear to everybody.

THE COMMISSIONER: I think that answers the question as far as it needs to be answered.

You may proceed Dr. Seidl.

Witness, is it correct or do you know that the I.G. organized quite a number of training courses for inmates in order to train them to be skilled workers such as welders, forge workers, carpenters, masons, and so forth?

THE COMMISSIONER: Dr. Seidl, may I ask what part of the affidavit

your question is addressed to?

DR. SEIDL: Your Honor, my question refers to the answer given by the witness to my last question, an answer which was permitted by the Tribunal. The witness stated that the I.G. used the inmates only for heavy work. My new question is intended to complement that.

THE COMMISSIONER: Does the witness remember the question? You may answer it.

A. I already stated that for this lighter work only a very small part of the camp was employed, that is for the skilled work. The large majority had to do the heaviest work. The skilled workers who were selected in 1944 were partly assigned and it often happened, when a command was set up that skilled people were used for heavy work.

Q. Excuse my interrupting you, but you did not answer my question.

THE COMMISSIONER: Mr. Witness, have you finished your answer?

A. I have said that only a very small minority of the inmates were used for skilled work.

Q. But my question was, witness, whether it is correct that in '43 and '44 the I.G. organized courses and training courses for inmates in order to train them as fitters, masons, electricians and other skilled work and that is the question I asked you to answer with yes or no.

A. Yes, I know about that but that refers only to a very small number of the inmates.

THE COMMISSIONER: You have answered the question.

Q. I come back once again to this morning roll call where you stated that Dr. Duerrfeld was once present. Had the inmates assembled there to go to the plant, and how were they clothed?

A. Yes, the inmates had assembled to go to the plant.

Q. They were clothed, you mean?

A. Yes, of course.

Q. Can you remember where you saw Dr. Duerrfeld then, at the gate of the camp or was it at some other point?

A. That was next to the gate of the camp.

Q. Thank you, witness. Now, I come back again to the food. Witness, is it correct that the sick people in the sickbay received additional food, that they received milk for instance?

A. No, that is not correct at all.

Q. Then at the end of your affidavit you say the inmates were not allowed to enter the air raid shelter. Now my question is, isn't it a fact rather that in 1944 when the attacks started many inmates were in the air raid shelters?

A. I don't know about that, but I can make a statement with regard to that. In 1944, I was sent to pick up a very sick man somewhere and then there was an air raid alarm and then it was said that no inmates is allowed to go to the shelter and that you have to protect yourself in the open. During that air raid there were quite a number of dead.

Q. Can you tell me how many deaths occurred, how many cases of death occurred during this attack and how many inmates were among them?

A. I can't give you a figure; I don't know.

Q. But you were in the sickbay yourself, you worked there and I assume that at least you should know how many inmates were killed during this attack?

A. Today it's very difficult for me to remember these figures. A.. I know is that on that day we had so much work to house these people or even to find them, part of them, those who were missing that I couldn't tell you. I can't tell you more.

THE COMMISSIONER: That answers that question. You may ask another question, Doctor.

By the way, Mr. Witness, when a question is asked you should, so far as you can, confine your answers directly to the question. If you add something to your answer that calls possibly for further questions along that line on matters which are not contained within your affi-

davit and for that reason all we wish to do here is to cover your affidavit as far as possible, simply answer the question that is put to you and then later testimony may be brought out by other questions. Do you understand?

THE WITNESS: Yes, Your Honor.

THE COMMISSIONER: You may proceed, Dr. Seidl.

Q. Witness, I come back once again to the food in the sickbay. Isn't it a fact that twice a week the sick people received an extra bread ration?

A. No.

Q. Isn't it correct that they received jam and cream cheese in addition?

A. Bager cheese once in a while, twice or three times, I can remember that, yes.

Q. Is it correct that the so-called Buna soup or Bausuppe was additional food afforded by the I.G. to the inmates in the plant in addition to the food they received in the camp?

A. I don't think so because the I.G. gave us the food and the Buna soup was part of the food given to us.

Q. You say you believe that. May I conclude from that that you don't have any positive knowledge of your own about that fact?

A. I believe that I can remember that because in the Stammlager in the main camp itself they received also in lieu of coffee, soup in the morning.

Q. That brings me to another question. Did you, yourself, discuss with the foreman of the I.G. the gassings in the camp of Birkenau and can you give me the name of that foreman?

A. I very often discussed questions of the concentration camp with foremen of the I.G., but I can not remember a name now. I remember that I have talked with a control official of the I.G. and he asked me to explain to him why the inmates looked so bad.

Q. But you are not in a position to give me even one single name of one foreman or the name of that control official?

A. No, no.

THE COMMISSIONER: Dr. Seidl, he said no.

Q. I come back once again to the output by the inmates of the I.G. Plant. You stated, witness, that those who had an output of less than 50 per cent were punished.

A. Yes.

Q. Was the output there synchronized to the concept of inmates or to the whole working detachment?

A. Partly on the whole detachment, but at the same time to this individual person.

Q. In other words, I assume that the output of a detachment was established as 30 per cent. Who was punished by the SS then? Was it the whole detachment, was it the capo of the commando or was it the individual inmates?

A. I have just told you partly it was whole detachments, at the same time the individual inmate and also the capo. Most of the time it was the whole detachment.

DR. SEIDL: No further questions to the witness.

DR. FLAEGHSNER: Flaeghsner for the defendant Buetafisch.

CROSS EXAMINATION CONTINUED

QUESTIONS BY DR. FLAEGHSNER:

Q. Witness, according to your testimony you were a member of a detachment that unloaded bricks. What was the strength of that commando?

A. About a hundred and that was during the first period.

Q. And later?

A. Later the strength varied.

Q. Well, I am only referring to the detachment you were a member of.

A. Detachment II had more than a hundred men, the detachment I belonged to.

Q. Thank you. How many freight cars were unloaded at the same time?

A. That depended on, how many freight cars arrived -- it happened that five or six freight cars had to be unloaded at the same time.

Q. In other words, about 15 to 20 worked at the unloading of one freight car?

A. No, that is not correct because the people had to carry it on further and they had to clear the road for the unloading.

Q. Well, how far was the road?

A. I should say about 20 to 50 yards.

Q. Thank you. Witness, what is the weight of a brick?

A. About 2 to 3 kilograms.

Q. And you mean always two bricks were carried?

A. Yes, but the detachment unloaded not only bricks, it unloaded also heavy pipes.

Q. Well, now, I am just only interested in the unloading of bricks, that work. What I am asking you is did you do that as they do it everywhere in the world, that is, they take a brick and pass it on from one to the other?

A. A distance of about a foot and a half and there the bricks were passed on, yes, that might be correct.

Q. Tell me, witness, did I understand correctly that there were four to five barracks in the sickbay?

A. Yes.

Q. In what barracks did you work?

A. At the beginning I was working in block 16 then in block 17.

Q. Is every block in a different barracks?

A. Yes.

Q. What did you do there?

A. I was a medic. I changed the bandages and did other work of that kind.

Q. Did you work in the pharmacy?

A. No.

Q. You said a while ago that in the barracks where you worked there were a hundred and thirty beds.

A. Yes.

Q. I have understood you correctly then. Well, tell me then, witness, under 5 of your affidavit you said that for 180 inmates there were 20 aspirins and 5 to 10 salvadol tablets.

A. Yes.

Q. And you said that you did not work in the pharmacy, when the medical supplies were handed out,

A. I said that I didn't work in the pharmacy.

Q. But was that part of the work to issue these medical supplies?

A. Well, I only went to the office to get the the tablets, and therefore I know how many medical supplies we got.

THE COMMISSIONER: Dr. Flaeschner, I do not criticize at all your method of interrogating the witness, but may I suggest for the purpose of the record that the questions be put to him in the form of questions rather than anything like argumentative.

DR. FLAESCHNER: Thank you, Your Honor, yes.

Q. Witness, can you give me the exact location of where you were arrested in Poland?

A. Yes, I was in Kielce.

Q. Is that near the Czechoslovakian border?

A. No, no, it isn't. It's in Central Poland.

Q. Did I understand you correctly witness, that you were a member of a resistance movement?

A. Yes, I took part in the activities of a resistance movement.

Q. I haven't understood you.

A. Yes. I took part in the activities of a resistance movement.

Q. What was your purpose? Was it to stop the advance of the German troops? Did I understand you correctly there?

A. Yes.

Q. Why I ask you how did you pursue that aim and how did you carry out those principles?

A. Partly with weapons to fight against the SS herds of beasts.

Q. Were you a member of a formation?

A. Yes.

Q. What was that formation?

A. It was not a military unit. It was a civilian corps of anti-fascists who took up the arms to fight against the Nazis.

Q. Thank you, that is all.

THE COMMISSIONER: Any further cross?

DR. SEIDL: No further question from the Defense.

MR. HILSKOFF: No further questions by the Prosecution.

THE COMMISSIONER: The witness will be excused.

(The witness was excused.)

THE COMMISSIONER: Are there any other witnesses to be examined today, Mr. Prosecutor?

MR. HILSKOFF: I don't think so, sir.

THE COMMISSIONER: Very well, in that case, this hearing will be recessed until further notice.

(The commission recessed at 1202, 26 Feb. 1948 until further notice).

1948
26 Feb. 1948-1-1-Gaylord (Int. Ramler)
COURT VI, CASE VI

Official Transcript of Military Tribunal VI, Case VI, in the matter of the United States of America against Karl Krauch, et al, defendants, sitting at Nurnberg, Germany, on 26 February 1948, 0900-1630, Justice Curtis G. Shake, presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal VI, Military Tribunal VI is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: The Tribunal is pleased to see everybody so wide awake and fresh this morning. You may make your report, Mr. Marshal.

THE MARSHAL: May it please Your Honor, the defendant Haefliger is absent from the courtroom.

THE PRESIDENT: The defendant Haefliger has been excused at his own request. Are there any announcements from the Defense? Anything from the Prosecution?

MR. SPRECHER: Mr. President, yesterday, just after the noon recess, you requested that we note for the record when we file our written motion for the production of documents. We have filed this motion. In addition to being a request for documents, it is a request for the accounting with respect to any files or documents which cannot be produced because they have been destroyed. Copies have been served in the proper number with the Secretary-General, and three German copies have been submitted to the Defense. More copies will be there as soon as they have been run off the stencil.

THE PRESIDENT: Very well, the Tribunal will give due consideration to this matter in proper time for the defendant Schneider may resume his presentation.

DR. STORKEBAUM: (for the defendant Schneider): I am now continuing the submission of documents in Book Schneider. The next two documents will be Documents 228 and 143. Document 228 will receive Exhibit No. 199; Document 143 is already in evidence as Exhibit 65. That was submitted in Volume IX.



THE PRESIDENT: Just a moment, until we get the book. You may go ahead now.

DR. STORKEBAUM: These two documents contain a note of Speer on the meeting of the Central Planning Board of the 30 of October 1942; also an excerpt from the Fuehrer conference of the 3 and 5 of June 1944. In the first mentioned document, it is asked that the SS and police should take drastic measures in order to prevent breaching of contract. It also asks that loafers be sent into a concentration camp as a warning example. According to the excerpt from the Fuehrer Conference of 1944, the workers, who every month are being found as loafing or breaching their contracts are estimated at 30 to 40 thousand people, who are to be employed as concentration camp inmates in the SS project.

Document 164 I shall offer as Exhibit 200. These are the police ordinances on the identification of civilian male and female workers of Polish nationality. The duty for identification of Poles is layed down in that document.

All these documents which have been submitted with respect to this chapter "working discipline" show the extreme pressure of the police and the influence of the SS on German and foreign workers. They also show the influence on plant leaders with respect to fulfilling the working duty in war economy.

I am now turning to the submission of documents which refer to the production pressure: the very strong influence of the state on the entire production throughout the war. Document No. 213 I offer as Exhibit 201. It contains the Fuehrer's Decree of 1940 about the appointment of the Reich Minister for Armament and Munitions.

Document 32 will be Exhibit 202; 34 will be Exhibit 203.

THE PRESIDENT: That is 35.

DR. STORKEBAUM: I beg your pardon. The last document is 34, and is in the annex of the document. You will find it on the last page of the index.

THE PRESIDENT: Thank you.

DR. STORKEBAUM: The first document concerns the ordinance of the Fuehrer for the protection of the armament industry of 1942. Severe punishments are threatened against plant leaders who make false statements with respect to their need for workers and the need for important raw materials in the armaments industry and who, thereby, endanger the allocation arrangement concerning the armament industry.

Mr. Sprecher pointed out to me that there is a mistake in the index of the English book. With respect to Document 34, Exhibit 203, at the end it says, I quote, "21 March 1932." It should be "1942" and not "1932."

The punishment for these violations was meted out by the People's Court in these instances. With respect to the other document, the Minister of Armament prohibits any peace-time planning. The continuation of any peace-time production or peace-time planning is considered as sabotage in war time. Punishment was meted out in accordance with the above mentioned regulation for the protection of war armament.

There now follow three other documents: Document 35 will be Exhibit 204; Document 36 will be Exhibit 205; Document 37 will be Exhibit 206. The first document contains the joint decree of the Reich Minister for Armaments and Munitions, and of the GBA concerning cooperation in labor allocation for armament of December 1942. It contains the classification of armaments and the priority ratings for labor to be allocated in the armament program. These are decided by the Minister for Armament and Munitions or by the Central Planning Board. The allocation of labor by the GBA is made according to this classification. Document 36 Exhibit 205 is a decree of the Reich Minister for Armament and Munitions of 1 December 1942 and contains detailed regulations about the control of labor allocation in war economy. Document 37, Exhibit 206 is an excerpt from a New Year's proclamation of Hitler, in which he states that in 1943 the German armament would have to increase considerable. In order to achieve that end, the support of the entire people's community and the mobilization of all available reserves of labor are demanded.

There follow two other documents: 266 and 265. Document 266 will be Exhibit 207 and 265 will be Exhibit 208. Both documents deal with the decree of the Fuehrer concerning the concentration of war economy. They also give us the decrees concerning this measure of the 2nd Sept. 1943 and contain the first implementation ordinances.

I shall now continue with Documents 30, 38, 39 and 70. They will receive Nos. 209, 210; 211 for 39 and 212 for 70. According to the first document, detailed provisions are made on the distribution of tasks in the Reich Ministry for Armament and War Production as well as the tasks and the authorities of the industrial and professional groups. This also defines the tasks of all their intermediate levels. Through concentration of war economy this decree tries to bring about a simplification of command jurisdiction. Here we again clearly see the militarization of economic life. This is a very far-reaching decree which had the additional name of "type worm" decree. Exhibit 210 is Speer's Decree of the 24 June 1943 about the appointment of labor allocation engineers. The decree provides for the appointment of a person in the armament plant, whose task is the mobilization of labor reserves. The labor allocation engineers active in the plant, in accordance with the directives of the armament minister or the president of the armament commission, have to enforce the demands of the governmental armament industry with the plant leaders. Exhibit 211 contains the joint decree of Speer and Bruckel with respect to armament and war production. Its aim is the close cooperation of these two agencies and demands the execution of the decisions made by the chairman of the armament commission in every case of need. Exhibit 212 is an excerpt from news bulletins of the Reich Minister for Armament and Munitions. This states the responsibilities of committees and cartels and also defines the command jurisdiction of the heads of these agencies towards the individual firms of the armament industry.

I am now submitting the affidavit of Erich Fikentscher, Document

31, Exhibit 213. The affiant, who from 1942 until the end of the war was a commander of the armaments headquarters in Hamburg and later in Essen, shows the influence of the state on the entire economy for the purpose of war production. It also shows the ever-increasing coercion on the part of the governmental agencies towards the armaments plants. It also talks about the demands of the armament industry with respect to workers.

In conclusion of the chapter referring to production pressure, I would like to submit the documents contained on the last page of the index. The Supplement 258 will become Exhibit 214, and 272 will become 215. These documents contain printed forms and are examples of the orders given by the state to the armament industry. These also refer to the reports demanded by the state about the extent of production.

In the following chapter, war time penal law code is to be dealt with. The War Time Penal Code, Document 211, will be Exhibit 216; 148 will be Exhibit 217; Document 100 will be Exhibit 218. The first document concerns an excerpt from the Penal Law Gazette about the special war time criminal law. According to §1 b, the death penalty is provided for anyone who, during war time or when war is threatening, undertakes to help the enemy or to be in any way of disadvantage to the war potential of one's own country or be disloyal to one's own country or to allies of one's own country. The technical term "undertake" used in that connection includes the attempt as well as the exception. According to Paragraph 92 a, the violation of war supply contracts is subjected to severe penalty. According to this provision, everyone is punishable who, either during the war or when war threatens, violates a contract entered into with the authorities with respect to the delivery of armaments, or if he fulfills that order in such a way as to endanger or to prevent the purpose of the delivery. The same punishment applies in cases of emergency, for contracts which was concluded with a state authority about the supply of transportation of food and other vitally needed materials in war time. Also included in this provision are sub-contractors, commissioners and intermediaries of the original person undertaking the contract.

As a result of an order referring to special penal law during the war, the death penalty is provided for another violation which is called the so-called "undermining the morale of the army". To this belong public incitement to refuse to do one's duty in the Wehrmacht; it also refers to the public undermining of the will of the German people or its allies to defend themselves. Death sentence is also imposed on those persons who undertake to incite a person subject to military conscription to disobey, to undermine the morale of or to attack his superiors, or to in any way undermine the discipline of the Wehrmacht. Another law for which punishment is provided, is self-mutilation or other measures designed to evade war time duties.

The next document is an excerpt from a commentary with respect to paragraph 91b, ("giving aid and comfort to enemy") I should like to state that the commentary refers to 91b of the Reich Law Gazette, a typing error made this passage 92b. This commentary refers to decisions of the Reich Military Court, dated 1914 to 1918. It gives us the far reaching interpretation of the concept "undertaking" for actions in connection with "giving aid and comfort to enemy". The decisions of the Reich Military Courts were secret and non-accessible. It doesn't have to be mentioned that the provisions during the last war were even much stricter.

In the last exhibit, #218, we have an excerpt from an ordinance concerning the supplementation of penal measures for the protection of the military strength of the German people. The deliberate damage to the military strength or the military defense potential of the country is subjected to punishment. In the same way every one is punishable who deliberately delivers a faulty product or raw material designated to defend the country against the enemy and thereby intentionally endangers the striking power of the German Wehrmacht. For severe cases the death penalty is provided and, some times many years or life imprisonment. The last regulations are illustrated particularly well through the statements of Military Tribunal III, vs. Altstoetter et al. They refer to the increasing terror on the part of the justice officials and I should like to ask the Tribunal to take judicial notice of the pages in the English transcript starting from page 1060, page 1048 in the German.

In conclusion of Document Book 6 I submit as Exhibit 219 Document #277. This is a list of the document used in the Schneider documents which were taken from other trials. I am referring to the Flick and DM Trials here.

This brings me to the end of Book 6.

THE PRESIDENT: Do you intend that this list, which you have designated as Document 277, shall bear an exhibit number?

DR. SYREKLAUB: We wanted to give it an exhibit number, Exhibit #219.

THE PRESIDENT: Thank you.

MR. HALLMUTH DIX: (Defense Counsel for defendant Schneider) Before submitting the last document book I should like to state, in connection with Exhibit 200 of Book 6, that I have not submitted any documents referring to Polish workers, in order not to increase the size of the books unduly. This ordinance is an example for the severe measures which have been taken with respect to such workers.

In addition, I should like to quote a brief passage from Document 6 referring to Exhibit 212. One of the people having an order writes as follows:

"I expect that you, in future, will deal even more rigorously with the firms, and in doing so, actually produce the required output in spite of conscriptions, etc. You can rest assured that I shall not uphold but support any measures, even the most severe ones, which you may take with respect to the firms in order to put into effect an increase in output."

I shall now turn to Document Book 7. The contents of this document book deal with the problem of the state of emergency. I should like to clarify one doubt here with respect to the translation. The word "Notstand" in German in the English book 7 has been translated "state emergency". I have ascertained, however, that in the Flick Judgment the word "Notstand" is translated with "State of necessity", and I assume that this translation is more correct.

Document Book 7 deals with the state of necessity and the problem of resistance against the sovereign power of the state. This refers especially to the work program of the National Socialist Government in occupied territories. I submit in that connection Documents 118, 127 and 225 as Exhibits 220, 221, and 222. The first document is an excerpt.... I beg your pardon. Instead of Document 127, it should be 238. Document 119 will receive Exhibit 220. Document 238 will receive Exhibit 221. Document 225 will receive Exhibit 222. Exhibit 220 is an excerpt from a text book "International Law" from the well-known German lecturers, Lisst and Fleischmann. According to the German conception, State Law has precedence over International Law. The same opinion, at any rate for 1920, is expressed by Oppenheim in the second exhibit 221. A further excerpt is contained here which emphasizes that necessity or coercion does not have any influence upon the validity of international contract.

I refer to the treaties - to an excerpt by Hyde.

The third document, Exhibit 222, is an excerpt from the War Department Basic Field Manual and Rules of Land Warfare of 1940. I am referring to Article 202 thereof. We see from that, that even though the United States thinks that International Law has precedence over all other laws, we see, according to this paragraph, that in case of high treason, if Article 29 of the Hague Convention and Article of War No. 82 cannot be applied jointly, the United States practice will be ruled by the United States of America Articles of War. I can only draw the conclusion from that, that in an important instance like that, even in the United States the national law is actually decisive. This, in view of the national political importance of the problem, is quite understandable. These documents are important, in particular the excerpt from Lisst, because it has become apparent from these documents that the practicing lawyer in Germany, in his relationship, to foreign countries concerning penal and civil law, international law never plays a predominant part. One always had to examine German law. One could not rely upon international law.

THE PRESIDENT: Dr. Dix, might ask you a question just to see if I can clarify your theory?

Is it your contention that if an individual was confronted with a situation where his conduct would constitute a violation of international law and also a violation of domestic law, that his first obligation is to comply with the domestic law and that, in so far as the violation of the international law is concerned, he would be considered as acting under necessity? Is that a fair statement of what you contend?

DR. DIX: Yes, your Honor.

I have nothing else to add with respect to these documents.

There now follows Document 129. This will receive Exhibit #223. It is an excerpt from a book by Wolzendorff of 1916 concerning State and natural law.

As far as I know, this is the last German book which concerns itself with the legal problem concerning the right of the people to resist the exercise of the sovereign power of the state. This excerpt shows us a few historical high lights on that problem in addition to the basic conception of the author and the German doctrine concerning that question. The Tribunal will see that this book reaches the conclusion of denying the right to resist, because it says that in Germany the people and the state are a unity. This book is of some historical interest because these words were pronounced in the year of 1916 - that is, twenty years before Adolf Hitler came to power.

MR. SHAW: From the point of view materiality we will make an objection to Schneider Exhibit 223. In view of the development of international law, as opposed to commentaries before the conclusion of World War I. we scarcely see how the commentary of Wolzendorff in 1916 could be of assistance to this Tribunal. The whole question of the rights and duties of the citizen of a state, particularly where his government has openly engaged in a notorious and infamous course of conduct, is utterly different than anything which Wolzendorff considered in the year 1916 and we therefore object on the basis of the materiality of this document.

THE PRESIDENT: Are you having trouble with the translation, Doctor?

DR. DIX: The translation didn't come through very well, but I believe that I can briefly substantiate what I meant with that excerpt.

This excerpt does not concern itself with the problem of international and national law. This deals with the problem of whether part of the nation has the right to resist its sovereign power. The historical development of this problem in Germany, as opposed to other countries, is of greater importance if one wants to judge subjectively the attitude of the German during the National Socialist regime. It is one of the reasons why the matters took the course they did, in the instances of a people whose courage and desire to abide by the law can not be denied. I think that this document is important in the same way as all the other laws which I have submitted in that connection.

THE PRESIDENT: Gentlemen, the Tribunal would hardly expect counsel for the defense or the prosecution to be able to argue on a stipulation as to the law of this case that the Tribunal might accept. I have already expressed our view with respect to making the law books or excerpts from law books exhibits. They are not exhibits in the strict sense. We shall treat this only as putting before the Tribunal material that may be proper to be referred to in argument and in briefing and we're very happy to have the record state on the part of the prosecution that it does not agree with that theory so that we know it is an open question that will ultimately have to be met by the Tribunal. The objection on that ground will be overruled.

DR. DIX: There's nothing I can add to this document.

We shall now turn to the next document. Document 95. I shall not submit. It may be struck because I don't consider it to be of importance.

The next will be Document 123 and with it Document 173. These will receive Exhibit Nos. 224 and 225 respectively. The first document is an excerpt from a book by Professor Roepke at the Geneva University who, in 1933, had left Germany for political reasons and

who went abroad as an emigrant and gained an extraordinary reputation.

This excerpt, for the information of the Tribunal, deals with the problem of the weakening of private property in the Third Reich and the weakening of the position of the entrepreneur or industrialist in the Third Reich. It is of importance in connection with the question of necessity and the possibility to afford resistance by an entrepreneur.

The next document, 225, is Roepke's identification and characterization. It is an affidavit by a German professor and concerns the fate and person of Dr. Roepke and also the reason why he had to leave Germany. Roepke said the following words at the funeral of his teacher, a famous economist: "You, Walter Troelsch, were a good gardener. You may consider yourself happy that you do not have to witness how the forest of German culture is being transferred into a jungle of barbarism." These words, spoken in 1933, forced Roepke to leave Germany.

THE PRESIDENT: May I interrupt you, counsel, just a moment to say that we are advised that the Commissioner is ready to start his hearing on the cross examination in which the defendant Duerrfeld is interested and Dr. Duerrfeld may be excused now, if he wishes.

MR. SPRECHER: Mr. President, with respect to Schneider Exhibit 225 - it was described, at least in the translation just now, as an affidavit. Of course, the document, so far as it appears in the document book, is excerpts from a book of opinion published in 1945 called "The German Problem". Now, the fact that the next document..... I'm sorry. There was some confusion with respect to the number. As I understand it, Schneider Document 123 is Schneider Exhibit 224. I was making my objection to Schneider Exhibit 224.

THE PRESIDENT: Very well. Do you wish to make an objection with respect to 224?

MR. SPRECHER: Yes.

THE PRESIDENT: What is your objection?

MR. SPRECHER: Well, I think Your Honors are sitting in judgment on this case and a publication by a Mr. Roepke in Zurich in the year 1945, giving a very general opinion concerning the developments in Germany and the "The German Problem" is scarcely competent or relevant. What facts are really sought to be proved by laying before you this book of opinion on this point? I don't understand that.

THE PRESIDENT: Well, books of opinion - books, quotations and excerpts from books are frequently resorted to by courts when they are treatises on law, treatises on scientific facts, treatises on historical facts. We cannot take time in the course of this trial to study these documents to see whether, under any possible contingencies, they might be proper for a Tribunal to take into consideration in determining the case. If we did that in every instance we would consume a very great amount of time. If they have no application, they will not be considered, and we have said before, we are treating this material not strictly speaking as evidentiary in character, but as an effort on the part of counsel to put before the Tribunal material that he may wish to rely upon in briefing or arguing his case. Now, unless.... There is no other answer to it unless we take a great deal of time and study these documents and determine whether or not there is any possible theory for counsel to use them in argument or briefing and we can't take time to do that. Unless the use of the material would be appropriate to briefing or arguing, it would have no consideration for the Tribunal anyway.

MR. SPRECHER: Well, Mr. President, may I just have one word? Now, I thought I understood the dichotomy and the Tribunal's thinking on these documents from books up until now. Where they referred to a question of law or a legal commentary I understood you were allowing them to receive an exhibit number for identification. But if you will look at this document - it is a book of opinion by one Roepke, written in 1945, called "The German Problem". What has it got to do with the law that Your Honors would desire to rely upon?

THE PRESIDENT: Counsel, that's just what I was trying to avoid doing was to look at the document. If we get into the field of having to analyze these documents we will waste a great deal of time that will serve no good purpose because I think you can rest assured that if this hasn't probative value, this Tribunal is not going to be worried with it, and I was just hoping that we could avoid, by referring to the index, we could avoid going into the substance of these things because, after all, we have said that so far as these quotations from books, be it law, history, science or whatever it is, it is not strictly evidentiary in character and under a strict trial procedure would not be admitted, but here we're dealing with a lot of international law and laws of other countries that counsel for one side or the other may wish to discuss or present or use in briefs or arguments and we have permitted these documents to be marked here on that basis alone.

MR. SPRECHER: Well, Mr. President, if there is a problem of wasting time, that's one thing, but if it's a problem of knowing what the purpose of defense counsel is, that's another, and I'd at least like to know what the purpose is or the fact to be proved or the history to be established, and in this case I cannot see how this document differs from other documents which this Tribunal has rejected in the past. I don't even understand how defense counsel can urge any possible theory in this instance.

THE PRESIDENT: We have taken time which I regret we needed to see what this document is and it does not purport to be a statement of the law of Germany or any other country before the period of the war. Neither does it seem to be a treatise on any subject of international law before or after. We will sustain the objection to it. It may be given a mark for identification. If it is proper material to use in an argument, that is an entirely different subject. We are not going to pass on it now. It may retain its number for identification. The objection will be sustained. I am speaking now of Document 123 which has been identified as Exhibit 224.

DR. DIX: I merely wanted to state that Roepke was not just one Mr. Roepke but he was a sociologist and economist of considerable reputation.

I am now turning to Document 150 which will be Exhibit 226. This is an affidavit to the effect that a director of mining Ricken in 1944, was sentenced to death because of pessimistic utterances he made about the outcome of the war. This affidavit is to serve as an example of the extreme terror to which even leading industrialists were subjected. It is hard to prove these things because the sentences were not public and we have no access to them now. Proof of any such sentences can only be given by way of such affidavits. This is only one example and I shall cite no further examples.

Then we turn to Documents 208, 207 and 165 which will receive exhibit numbers 227, 228 and 229. These are all excerpts from the testimony of witnesses before the Flick Tribunal with respect to the impossibility in any way to resist the compulsory labor program of the Nazis concerning foreigners without suffering serious consequences. These excerpts are an important part of the trials.

I finally turn to the last two documents which belong together. At first I should like to ask the Tribunal to take judicial notice of Document 16 which will be Exhibit No. 230. This is an excerpt from the judgment of

the IMT and, in view of the following documents, would you please permit me to quote briefly? It says at the end of this excerpt:

"The provisions of this article"—article 8 of the charter—"are in accordance with the law of all nations. That a soldier received the order to kill or to torture in violation of international law has never been acknowledged as an excuse for such acts of brutality even though, as provided by the charter, such order can be considered as a mitigating circumstance when the sentence is laid down. The really decisive point, found with various modifications in the criminal laws of most nations, is not the existence of such order but the question whether a choice in accordance with moral laws was actually possible."

The problem of the military order we can leave out of consideration here. We are not really concerned with it. In this trial we are concerned with an absolute force of the law, based upon terror measures as well as upon certain legal principles in Germany which developed historically. I have already submitted examples.

As the IMT has emphasized correctly the decisive factor in this case is whether a choice in accordance with moral law was actually possible, that in the United States and our parts of Europe decisive moral law is the Christian law. We lawyers, especially the lawyers of the European continent, deal with the application of laws. The moral law, on the other hand, for us only means a guiding principle for us and a control for us. Jurisprudence has hardly developed a more deeply going investigation of conflicts in conscience. The matter is quite different in the sphere of theology. Theology, for centuries, theoretically and practically has dealt with this problem and in particular, dealt with state political questions when it acted the advisor to great and small countries on this earth.

The Nurnberg trials are probably the first step in jurisprudence trying, to clarify and to decide upon state political crimes and state political conflicts of conscience, within one large trial going beyond the framework of just one individual state.

In my opinion, therefore, it is not unjustifiable if, when the

question comes up with respect to the choice of the moral law which has been mentioned by the IMT judgment, the lawyer does not reject completely the help of the theologian and for that reason, through the mediation of our advisor, Professor Wahl, I have asked for such theological assistance.

The result is Document 161, to which I shall give exhibit number 230. The author of this moral theological opinion is Pater Max Pribilla. He belongs to the Jesuit Order. He is an associate of a well known magazine, "Voices of the Time," and is not unknown in England. He has written about Ethical questions and Christian endeavors for Unity which appear from the document which I have submitted in Volume II.

It is not my intention to lecture on this opinion but I would like to ask the Tribunal to take notice of these interesting and practical statements contained therein, in particular to take notice with respect to questions concerning the right to offer resistance and the duty to offer resistance with respect to the principles developed in Germany and, in particular, for instance, to the foreign labor program.

From this opinion it becomes particularly clear and apparent, that initially not only skeptics or followers of National Socialism, but even actually opponents of National Socialism found themselves obligated to comply, because of ethical considerations. Whereas, during the war, when the terror increased and when the measures become more ruthless and unrestrained, the regime became so strong as to become irresistible for its old and then also for its new enemies.

This would conclude my submission of evidence.

MR. SPRECHER: If it please the Honorable Members of the Tribunal, we have not been able to read through Schneider's exhibit 230 which apparently is intended to be of assistance to your Honors by rendering a judgment for your Honors' information or for the advice of your Honors from some theological points of view as it affects the moral conduct.

THE PRESIDENT: Now, Mr. Prosecutor, let's just save a little bit of time here, with proper courtesy to you. That document runs from page 40 to page 70 of our book — 71, in fact. You probably haven't read it.

We haven't read it. Under the practice that we have liberally granted here in the past, we are not holding you to any time schedule in making your objection. If you want to at your leisure read it, make some objection, we will hear you. Some of us will read it in the meantime and then we can listen to it more intelligently than we could if you alone were better advised now. We will just put a question mark after it to show it is admitted and when you have had an opportunity to acquaint yourself with the document, if you wish to make an objection we will hear you then.

MR. SPRECHER: Thank you, Mr. President. We hadn't intended actually to make the objection at this time but, in order to appraise ourselves better what we were supposed to be thinking about from the testimony I had one further point which I would like to make that refers back to the document, Schneider Exhibit—I understand defense counsel did not give one document a number; perhaps we better clear that up first.

DR. DIX: 230 and 231; the last document will be Exhibit 231.

MR. SPRECHER: Now, with respect to Schneider Document 136, which is Exhibit 230, we felt that that was being offered as a basis for preparing the way for Schneider Document 161, Exhibit 231, which is the document in question, and we had the following problem there.

Dr. Schneider has already said that what he is arguing for is not that the defendants were faced by an order such as the soldier who was mentioned, but rather by a whole atmosphere and a state of tyranny which effected a condition of duress.

Now, our point is this. If the sudden order of the superior —

THE PRESIDENT: Now, Mr. Prosecutor, are you now ready to state your position and make your objection upon the basis that you know what is in this document or not?

MR. SPRECHER: Mr. President, I am referring to the prior document at the moment.

THE PRESIDENT: We will treat the two together. They were offered consecutively. If you wish to take time to familiarize yourself with the last document, 231, and then wish to make an objection to it and the preceding, we will hear you, but it takes time to discuss these matters and there is really nothing before us and we understand you started out by stating that you had not an opportunity to learn what is in 231. Find out what is in it and then if you wish us to hear it we will hear you on the objection. We will put a question mark on both of them if you wish, so as to indicate that you may want to make an objection. That seems to be fair to all of you, I think. It will give you an opportunity to read it and then make your objection. In the meantime, this will afford us a timely opportunity to see what is in the document and we will pass on it more intelligently.

Does that conclude your case, Dr. Dix?

DR. DIX: May I express one more request? After the conclusion of my case, in view of the present dry times, I should like to concern myself about my family. I should be very grateful, therefore, if Mr. Sprocher only brings up this question after Tuesday next week when I am back again. Other gentlemen here, after all, are not so well acquainted with this matter. Would that be possible?

THE PRESIDENT: I am sure that Counsel for the Prosecution will accede to that request.

Very well. Is counsel for the defendant Ambros ready to proceed?

DR. HOFFMANN (Counsel for defendant Ambros): Your Honor, I should like to ask you to permit me to call the defendant himself into the witness stand as the first witness.

THE PRESIDENT: Then the defendant Ambros will take the witness stand.

OTTO AMBROS, took the stand and testified as follows:

BY THE PRESIDENT:

Q. Mr. Defendant, will you please raise your right hand, say "I," and state your name for our record?

A. I, Otto Ambros.

Q. Will you please repeat after me the oath:

Swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

You may be seated.

DR. HOFFMANN: May it please the Tribunal, on behalf of the defendant Ambros, I have prepared eight document books. With respect to the documents contained in these eight documents, I have given them 3 digit numbers and I should explain the way I gave such numbers to these documents to the Tribunal so that other documents which I shall submit in the future will be added to the chapters concerning them.

At first from Document Book No. I, I shall submit document OA-101. This document will receive exhibit number 17. I should like you to take into consideration the other documents which I have already submitted for identification. This exhibit, No. 17, is an affidavit of Otto Ambros and contains his curriculum vitae in brief.

The next document, your Honors, will be Document OA-102. This will receive exhibit number 18. This is a geographical survey of the sphere of work of Otto Ambros from 1930 to 1945.

I should now like to ask Dr. Ambros a few questions with respect to this geographical survey.

DIRECT EXAMINATION

BY DR. HOFFMANN:

Q. Dr. Ambros, have you got this document before you?

A. Yes, I have the map before me.

Q. Dr. Ambros, let me ask you why you marked the construction Ludwigshafen with much greater lines than any other plant on this map?

A. Ludwigshafen is my mother plant, as it were. In other words, the largest laboratories of the Farben industry were located there, with which I was connected scientifically and technically. My family lived there and that was my home.

Q. Dr. Ambros, from this chart I see that in drawing the circle for the plant of Ludwigshafen, you left one part of the circle blank.

Why did you do that?

A. The map is to show where I was active and where I hold responsibility. In Ludwigshafen I was responsible for the organic chemical part in a scientific and technical respect.

Q. Are there any other circles on this map which only belonged partly to your responsibility?

A. Yes, there is the plant Auschwitz. For the Auschwitz plant Mr. Buetefisch and I were responsible to the Vorstand. All other plants, I think, are fully drawn out, which means that they were wholly under my responsibility with the exception of the foreign plants. There, on the other hand, I was responsible for everything which Farben sent there in the form of licenses and experiences.

Q. Dr. Ambros, I should now like to turn back a little, and ask you what, after leaving school, caused you to turn to the study of chemistry.

A. The idea to devote myself to chemical study from my father. He was a professor of agriculture. He was dealing with agricultural chemistry and when I was still very young he took me along with him into his laboratory. There, for the first time, I was allowed to learn the wonders of chemistry and ever since that time I have been a student of chemistry.

Q. Dr. Ambros, at the university were you particularly closely connected with one of your teachers and who was it?

A. I went to the University of Munich and at the time, Geheimrat Richard Willstaetter had a chair there. I think he was then the most important man in the organic field whom we had in Germany. I became very attached to him after I had passed my preliminary exams and afterwards he chose me as his candidate for doctor and took me over into his private laboratory.

Q. And did you remain in contact with Professor Willstaetter during your further career?

A. Yes, as a consequence of my activity in the private laboratory, I not only came close to him in the scientific field but I also was closely connected with him and his family personally.

Q. Mr. Ambros, do you have to thank Professor Willstatter for your job with Farben?

A. Professor Willstatter recommended that I go to Farben. He wrote a letter to his colleague, Professor Cotta-Meyer at Ludwigshafen, and that is how I came to Farben.

Q. And what became of Willstatter?

A. In 1925 Willstatter had to withdraw from the university. The senate of the Munich University objected to the appointment of a Jewish professor. That was what caused Professor Willstatter to give up his chair, because he himself was a Jew. However, I did remain with him as an assistant outside the campus. I had hoped originally to be able to remain at the university. Then, however, the conditions worsened, Willstatter recommended that I go over to industry.

In connection with these statements by Otto Ambros, I am now submitting Document O. 105, Exhibit 19 and O. 107 which will be Exhibit 20. Your Honors, let me point out that this Professor Willstatter, according to Document 105, congratulated Ambros on 4 December 1934 on his taking over of the management of all laboratories and plants for intermediates in Ludwigshafen.

THE PRESIDENT: Counsel, we have changed the time for our recess until 1030. It's necessary now that we do recess because the film on our sound track must be changed. So we will rise at this time.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

DR. HOFFMANN: Your Honors, before the recess I referred to Document OA 105 on page 16 of the English document book. That is congratulations from Professor Willstaetter when Otto Ambros was appointed head of all laboratories at Ludwigshafen. I had already introduced Document OA 107 on page 20. This is congratulations from Professor Willstaetter on Ambros' appointment as the youngest Vorstand member of I.G. Farben Industrie on 12 January 1938. This is Exhibit 20 -- page 20. Mr. Ambros, did you have any misgivings under these circumstances against accepting the position as Vorstand member of Farben?

A No.

BY DR. HOFFMANN:

Q What position did you receive when you entered Farben?

A I was just a plain chemist when I entered I.G. Farben Industrie. I was in the ammonia laboratory of Dr. Mittasch at Oppau.

Q What chemical problems did you deal with at Oppau?

A Professor Bosch and Professor Krauch were at that time setting up a biochemical laboratory at Oppau and thus I was able to continue my chemical work on fermentation which I had begun with Willstaetter. The field of work was then expanded to vitamins and hormones. Geheimrat Buesscher, who was at that time a Farben expert, brought back from America the problem of yeast breeding. That was another field, and then the problem was to study all natural substances -- that is natural dyes, resins, and rubber. That was the first time when I had anything to do with the problem of rubber and later, buna.

Q In Farben and outside of Farben, were you especially promoted because of your work? Did you get any advantage from it?

A Yes. Very much. I was given a very modern laboratory with hothouses. I was given five assistants. I was able to publish my results as if it had been at a university. I was able to attend all congresses. I was able to associate with my teacher, Willstatter as if I had been at the university, and the climax of my life was that in 1930 I was sent to Ceylon, Sumatra and the Malay States.

Q Was that a pleasure trip or was that a trip for scientific experience and training?

A The trip served certain specific purposes. I had the assignment to study how nature produces rubber. I went into the rubber forest and I worked in a laboratory for Geheimrat Fickendy. Then I went to Palambang to Standard Oil. I went to Ceylon with the English and studied all the tropical culture. This trip gave me insight into the competition that synthesis had.

DR. HOFFMANN: Your Honors, in connection with this statement of Mr. Ambros, I shall offer Document Number OA 103 as Exhibit 21, page 12 of the English document book. It is an affidavit of Dr. Mittasch who confirms that Otto Ambros came to Farben upon the recommendation of his teacher, Professor Willstatter.

JUDGE HEBERT: I think we are still confused on the numbers. Was not your Exhibit 106 offered as Exhibit 20 and then 107 as 21?

DR. HOFFMANN: Judge Hebert, OA 107 is Exhibit 20.

JUDGE HEBERT: What is 106? Has that been offered?

DR. HOFFMANN: No, that has not been offered yet. I

offer OA 104 as Exhibit 22. That is an affidavit by Professor Fickendoy on Otto Ambros' work in the Rubber Cultuur Maatschappij "Amsterdam", and his trips in Sumatra and Ceylon.
BY DR. HOFFMANN:

Q Mr. Ambros, after what you have told us about your relationship with Professor Willstaetter, the first responsible assignment which you had in Farben, was your appointment as head of all laboratories and plants for intermediate products, at Ludwigshafen. Please tell us the exact date and give us a brief description on these duties.

A In 1934 I was put in charge of the intermediate products group at Ludwigshafen. This group is between the raw materials and inorganics on one hand, and the dye-stuffs -- the finished products on the other hand. The purpose is to produce these two or three thousand products, which Dr. Ter Meer has told us about, this intermediate group. These intermediates are then the building stones for the thousands of dye-stuffs, pharmaceuticals, detergents, tanning agents, and other products. This also includes all the modern chemistry of acetylene and ethylene and the other derivatives; practically speaking, the lacquers, the resins, the solvents, the plastics, and last but not least buna.

The effects in everyday life are noticed in everything we see -- artificial fibers, dyed material, and everything that is dyed, plastic articles and parts of automobiles, radios, -- all the equipment which was developed when, in both America and Germany from 1934 to 1939, there was a big boom of plastics. That is the group of intermediates.

Q Mr. Ambros, in my opinion such practical work as you have just described, includes the fact that you trained yourself scientifically. That means that you worked

scientifically in a narrower sense. Is it true that you did any scientific work before that time?

4. Yes, that was a happy time. At that time one still had time to work in a laboratory. One could really take part in scientific work and could publish.

Q Regarding the scientific work of Ambros to the year 1929, I offer Document OA 121 as Exhibit 23. This is on page 54 of Document Book 1.

I have intentionally offered merely a list of publications up to 1929, because it seems to me especially valuable to show the practical achievements of the defendant.

Mr. Ambros, in 1938 you became a member of the Vorstand of Farben; did your appointment to this position in 1938 have any political reason, had you been a member of the SA, SS or NSDAP up to that time?

A No, I was nothing at all. I was completely non-political. I was not in any organization, and I had no time for such things.

Q Please describe the circumstances under which you became a member of Vorstand, what candidates were there to chose from and whom did you replace there?

A Ludwigshafen was under the charge of two Vorstand members, Dr. Gaus and Dr. Otto Seidel. Both of these gentlemen retired in 1938, because of their ages, and their successors were Dr. Wurster and myself. Both of these gentlemen helped us to become acquainted with the work in a very friendly way, before they turned over the fate of the plant to us.

Q Dr. Ambros, were these two gentlemen whom you replaced Jews or were they persecuted politically?

A No.

Q Dr. Ambros, before that time did you have any influence on the management of the Vorstand aside from the fact you were in charge of the Intermediates Group?

A No, up to the 1st of January 1938 I had legally hold the position of a Prokurist, and of course I had no influence on the management of the concern.

MR. HOFFMANN: Your Honor, in connection with this statement of Otto Ambros, I offer Exhibit OA 106; that is on page 17 of the Document Book. It will be Exhibit No. 24. In this affidavit Mr. Seidel describes how Otto Ambrose entered Farben, and his career up to his appointment as a member of the Vorstand of Farben on January 1, 1938, and he says, I quote: "during the entire period, for which I can pass an opinion upon

the career of Dr. Ambros (until 1 January 1938), his activity was not, however, such as to enable him to exert an influence or obtain an insight of into the overall situation of the Ludwigshafen plant let alone that of the I.G. Farbenindustrie Aktiengesellschaft. He certainly had no insight into the guiding line of the I.G. policy--so far as such existed at all. The fact that Dr. Ambros was appointed so young to the Vorstand of the I.G. is undoubtedly to be explained only by his technical abilities and talents as an organizer; the appointment had nothing whatever to do with the political events since 1933."

Q Dr. Ambros, did the fact that you became a member of Vorstand in January 1938 commit your political duties after this time in any way?

A Yes, up to that time I had been left in peace, and had not been obliged to participate in anything. The political leadership of the Gau "Saar-Palatinate", that is where I lived, considered it necessary that I should become a party member. Dr. Hoffman, you know that I was plant leader of the Buna Plant at Schkopau at this time. I was a representative of the first German Buna factory. Neither the plant leader of Schkopau, nor my deputy, nor anyone else was in the Party. That was an impossible situation in the eyes of the gentlemen of the Party, and so one day -- before that I had said repeatedly quite definitely that I wanted to be left alone, but one day a decree came from the party leadership of the Saarpfalz that I had to become a party member. That happened like this--I was given a pass, not even the Party book, and then a big bill for dues retroactively from the 1st of May 1937, and I didn't understand that at the time either, but one just had to do that.

DR. HOFFMANN: Your Honors, regarding the circumstances leading to the issuance of the membership card to Otto Ambros in 1938, I offer Document Book. This is an affidavit of the Ortsgruppenleiter (Local Party boss) of the town where the defendant Ambros lived, confirming that what Mr. Ambros has just said is true. This affidavit shows

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that the Guleiter (District Party Boss) issued instructions that Ambros was to be taken into the Party and by virtue of this order of the Ortsgruppenleiter the membership card was sent to him.

Q Dr. Ambros, did you hold any office in the Party and did you receive any award from the Party later?

A No, I never held any office. Since in May 1939 I gave up the position as plant leader Schkopau for reasons I shall go into later. I was no longer bothered with all these questions. I did not have to attend any more meetings, and I was spared all the things that our poor plant leaders had to participate in. For example, I never attended a party rally in Wurnberg. Even then I had no desire to come here. There was an award, the Todt Prize, which might perhaps be called a party award, but it was not an award of the Party. It was recognition from all of my technical colleagues of Germany for my contribution in the field of Buna, which was the same award given to the Messrs. Messerschmitt and Heinkel for the fact that they built airplanes.

Q Dr. Ambros, could you have easily obtained some high position in the Party if you had wanted to?

A I believe see Dr. Hoffmann, yes.

Q Because of Your family circumstances were you friendly to the Party?

A No, my family was non-political. Besides something happened that I can tell about very briefly. My father-in-law was social welfare consultant in the Badische Anilinfabriken, that is I.G. Farben's plant Ludwigshafen. He was not a party member and did not belong to any organization of the party, and therefore the Guleiter had him give up his position prematurely.

DR. HOFFMAN: Regarding this last testimony of Otto Ambros, I offer document CA 113, Exhibit No. 26, which is on page 37 of the Document Book. This is an affidavit of the father-in-law of Otto Ambros. I offer it as the only affidavit of such a close relative in which is confirmed under oath the fact that Otto Ambros's father-in-law lost

his job, because of the Party, and one cannot assume that this would bring about a friendly attitude toward the Party in Ambros's mind.

Q Dr. Ambros, another question -- did your entry into the Party have any influence on your membership in any religious group had you previously been a member of any religious group and did you remain one?

A My joining the party had no influence on my membership in the Catholic Church. I believe it was in 1933 that Mr. von Papen concluded a Reich Concordate in Rome, and in our circles and we could assume that the Party would at least be clever enough not to attack the church.

DR. HOFFMANN: Your Honors, regarding Ambros's membership in a religious group. I offer OA 114 on page 40 of the English Document Book. This will be Exhibit No. 27.

Q Dr. Ambros, in the course of time did you observe that the Party's attitude on the Jewish question became more violent?

A Yes, I experienced it personally through my connection with Gelsimrat Willstaetter in the years 1934-1935. I believe the document that you have offered, mentions this fact. I was able to invite Mr. Willstaetter to visit me at Ludwigshafen during 1934-1935 but after 1938 this became more and more difficult. That is to say, Mr. Willstaetter himself did not want to come any more. Mr. Willstaetter finally left Germany and went to Switzerland, so that I can answer your question by saying "yes, I did observe that."

Q Did you know about the Nurnberg laws?

A Yes, I read them.

Q Did you have employees or engineers in your factories who were affected by the Nurnberg laws?

A Yes, we had employees who were affected by the Nurnberg Laws.

Q Did you yourself take any action to help these people as far as you knew of the cases?

A Yes. The chemists and engineers who were so strongly affected that they had to leave Germany, we took care of by getting them positions with English or American factories, with our friends. Other border-line

cases we were able to help them by reference to a special technical position or achievement, and it may sound odd to say that to conceal such people the poison gas plants were the best, because such plants were so secret that one could hide one's friends there.

Q Dr. Ambros, did you know anything about the program for the extermination of Jews in 1941-1944?

A No.

Q Dr. Ambros, I would like to go back to the chemical field; in addition to your position as chief of the Intermediate Group at Ludwigshafen, you also held the position of a responsible chemist in the technical development of Buna Synthesis as seen from your career; will you please describe what work you did in this field?

A I have already said that as a beginner in 1928 I had begun work with scientific work on natural rubber. I continued this work in the tropics. When I came into the Intermediate Products Group I was given a group of the very best chemists to work with me in many pilot plants creating the technical foundation for Buna Synthetics. That was in 1934. In 1935, Dr. Ter Meer's confidence in me appointed me to manage the establishment of the first Buna plant. He reserved for himself the negotiations and I was given perhaps the more interesting part, the chemical work.

Q Now, what plant was the first one that you built in Germany for the production of Buna?

A On 24 April 1936 we laid the cornerstone for the first German Buna factory at Schkopau.

Q What was the production capacity of Schkopau?

A We began with a capacity of 200 tons per month. That increased after a year in planning to 2000 tons per month. Further increases will probably be dealt with later.

Q Dr. Ambros, were you plant leader at Schkopau, that is, were you responsible for the whole plant?

A In the first year we had no plant leader at all. It was a construction site, and other firms were working there, outside firms, and we had only a supervising engineer there, but when the plant went into production in 1937 then the firm appointed a plant leader and that was I. I was plant leader for the Buna plant at Schkopau from 1937 until 1939, with all the duties of which this law for the regulation of national labor is composed.

Q For what reason did you give up the actual management of the Schkopau Plant in 1939?

A That was Dr. Ter Meer's fault. He intended to use me for other duties; that is, during this year I travelled with him a great deal to England, France, to Italy, and in September we both intended to go

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to America and Canada. That was in 1939. That was the reason why I gave up the management of the plant.

Q Is it correct if I say, Dr. Ambros, that this capacity of Plant Leader at Schkopau represents, so to speak, a certain stage in your work in Farben?

A Yes, Dr. Hoffmann.

Q And that stopped in 1939?

A On the 1 st of May 1939.

Q Now, what were your duties for the Schkopau plant limited to, after you were no longer plant leader?

A Then I was only deputy business manager, and my duties were of a purely technical nature. I was responsible to the Vorstand for all technical questions at Schkopau.

Q When you were plant leader of Schkopau were you also a member of the plant leader conference and the Enterprise Council?

A No, I was not a member of these two committees.

Q Were you ever a member of these two committees, or did you attend any of their meetings?

A When I was no longer plant leader in 1940, I did sometimes attend such conferences. I believe I was present 5 times at the plant leader conference and also the Enterprise Council.

Q For what reason did you later attend these meetings when you were not plant leader?

A At that time, Dr. Hoffmann, I had about 10 factories that I was responsible for, and I was sometimes interested in such questions. All these plants were not represented at these meetings and I wanted to bring up matters for their attention. I wanted to learn something.

DR. HOFFMANN: Your Honor, in regard to the statements just made by Dr. Ambros, I offer Document OA 120 in Book I, as Exhibit No. 28. This is on page 52. This is an affidavit by Dr. Weiss, who has been a witness here. Weiss was a referent in the Central Farben Office for Social

welfare, and took care of social welfare problems in Farben. He speaks of the plants with which Ambros was connected, and states:

"Dr. Ambros, the builder of these works, was often in consultation with me regarding the social policy. Even when it only concerned questions of principle or questions in my special field (Old Age Care, Housing System, Works' Sick Insurance). I could observe that Dr. Ambros placed the greatest value on having the social tradition of the plants of the I.G. incorporated in these new plants."

Q Dr. Ambros, it is not true that you were really observing as a chemist whether your chemical apparatus was working properly and that the retorts were in their proper places, but you were interested in the human beings who were working in these plants?

A Yes, Dr. Hoffmann, I believe there is no industry which is so dependent on the ability and the good will of the workers as the chemical industry, and we were very much interested in having our associates living under the best possible conditions and enjoying their work with us.

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A Yes, Dr. Hoffmann, I believe there is no industry which is so dependent on the ability and the good will of the workers as the chemical industry, and we were very much interested in having our associates living under the best possible conditions and enjoying their work with us.

Q Mr. Ambros, what was it that Buna was used for primarily up to 1939 in Germany?

A Buna is a raw material and it was to replace natural rubber. It was actually supposed to be better than natural rubber. Therefore, Buna was used for everything that natural rubber was used for -- primarily tires; we calculated seventy percent of the total production was for tires. Then for every purpose where an elastic material is needed.

Q Can you give us any other fields aside from the automobile industry where Buna was used in Germany?

A Dr. ter Meer has already mentioned an important field -- soles for shoes. After we had succeeded in developing a special mixture to be used for a shoe sole which was twice, or perhaps three times, as good as leather soles, we expected that fifteen to twenty thousand tons of Buna would be used for shoe soles alone.

Q Another matter, Mr. Ambros. Did Buna production, considering what you planned, satisfy Germany's peacetime needs completely? Or did natural rubber or some other raw material have to be resorted to?

A No, it was not sufficient.

Mr. Hoffmann, in 1939 we produced only twenty thousand tons of Buna, and I believe the demand for rubber at that time in Germany was between 120,000 and 140,000 tons. All these figures have been made available to us by the excellent work of Mr. Hegler.

Q Mr. Ambros, was it intended that Buna production be used in the event of war, as far as your knowledge goes?

A I believe one cannot speak of an intention; but if a tire made of Buna is put on a car and this car is used in the war, then of course Buna is of a military interest.

Q From your work as plant leader in Schkopau could you deduce in any way that there was an attempt to force production, or that there was any intention of waging a war of aggression?

A No.

Q Why not?

A We were told very definitely -- and the Prosecution documents prove this -- Buna was produced for reasons of a lack of foreign exchange. Buna was produced in order to support the big motorization program, even if we had not had any money to buy natural rubber.

Q Did you believe the assurances given in the press and in speeches of the leaders of the Third Reich, or did you have any doubts in the truth of these speeches and statements?

A I had no doubt. Why should we not succeed in replacing a natural product -- rubber -- just as we had once replaced indigo or Chili nitrate.

Q Mr. Ambros, you are thinking chemically. As far as you had any part in politics, did you believe what Hitler and the other leaders of the Third Reich said about being peace-loving, or didn't you take any interest in that at all?

A Mr. Hoffmann, I have already told you that I was not a politician and that is the nice thing about our chemical profession, Mr. Hoffmann. It takes up all our interest. We could believe that this was a sensible aim.

Q Another question. Did you personally keep the production of Buna a secret, or did you give reports to other countries?

A Dr. Hoffmann, we did not keep it secret. We gave many reports. We were publishing a great deal. I admit we were proud of this achievement. As late as May 1939 I held a big lecture in Paris. This was under the sponsorship of the French General Blanchard. All technical and chemical experts of the Societe des Ingenieurs Civils, the Societe de Chemie Francais were invited. I told about the whole process, and I showed them pictures of the Schkopau plant. Other nationalities were represented too. After me there was a DuPont chemist who spoke about Neoprene. There was no secrecy on either side.

DR. HOFFMANN: Your Honors, in connection with this speech I offer

Document OA-124, as Exhibit No. 29, on page 62 of the English document book. This is the speech of the 26th of May, 1939 of which Mr. Ambros was just speaking, before the Societe de Ingenieurs Civils de Francais.

Q Mr. Ambros, did you hold any speeches abroad about Buna before that time, specifically in France?

A It was an expression of the generosity of Farben that we were allowed to attend conferences, and therefore on the occasion of the Exposition International I made a speech about the problem of how a plant produces rubber.

Q Mr. Ambros, you said it was an expression of generosity of Farben; that you were allowed to attend conferences that was in 1937?

A Yes.

Q What was your position then?

A Prokurist.

DR. HOFFMANN: Your Honor, I now offer OA-122, as Exhibit 30. It is on page 56 of the English document book. This is the lecture which Ambros held at the Paris World Exhibition in 1937, before the International Rubber Congress. I also offer OA-123 as Exhibit 31. This is a document stating that Ambros was awarded the Gold Medal for this speech.

Q Mr. Ambros, we were speaking about the question of telling other countries what you knew about Buna. Now, did you do anything about building Buna plants abroad?

A When it became known that our process was no longer in the laboratory stages, but that we had built a big factory, other countries of course were greatly interested in synthetic rubber. I should like to remind you that about this time the Russians already had a factory in operation for 40,000 tons according to a different process.

Dr. ter Meer has spoken about the question of the application of the Buna process in America. I need not go into that now. The next country that was interested was Italy. A factory near Ferrara which was

to be planned and built by us. Later there was a big plant north of Rome, near Terni. We built this one too. Then came Sweden; they also wanted a Buna factory. There was a great deal of planning work connected with all this.

Then came the time when German was friendly with Russia. Again there was a big rubber program to be worked out for Russia, but this was not put into practice.

Q Mr. Ambros, I am interested in what you did in connection with these foreign projects. Were you to be considered the author of these plants, or what was your function there?

A In was the foreign countries which created these plants. I was only the expert who, with my assistants, drew up the plans, made the blueprints for all the machinery and the buildings, and of course on the basis of experience I gave as to how to proceed specifically in the various countries to build the plant in the most practical way. There was always of course a great deal of work, but it was very pleasant work.

Q Did you have any negotiations -- and I am referring specifically to negotiations with Standard Oil, and again specifically with Mr. Howard? Did you have any connection with these negotiations?

A No, I do not even know Mr. Howard.

Q Mr. Ambros, aside from the production of Buna, did you have anything to do with the production of other chemical products later -- but still before the war?

A I must say I worked more with other products than with Buna. My main field was Ludwigshafen, with many-sided organic chemistry, the intermediate products, and after 1938 also, dyestuffs, when I was a member of the Vorstand.

Q Did you here again share your experiences with other countries, or did you keep everything of interest secret?

A In 1938 and 1939 our plastics fabrication for the first time affected the market. This meant that from all big industrial countries

we received inquiries and requests for licences and know-how. It is customary in chemistry for the big concerns to cooperate in a very friendly manner, and so at the end of 1938 DuPont and ICI came to us about Polystyrol. In the beginning of 1939 I was planning a Polystyrol factory near Paris, and three weeks before the war started the Canadians visited me. They were discussing licencing our most modern ethylene process for the purpose of production of glycol and the famous diglycol.

Q.- Mr. Ambros, I should like to ask you very briefly about the Buna plant at Schkopau. Was Schkopau the only plant up to 1939 that produced Buna, or was there a second one?

A.- Up to 1939 Schkopau was the only plant, if one disregards the experimental facilities at Ludwigshafen and Leverkusen which produced only a few tons.

DR. HOFFMANN: Your Honors, as Document OA-116, Exhibit 32, on page 43 of the English Document Book 1, I should like to offer an affidavit by Mr. Leibitz-Pimnicki who comments on Otto Ambros's position at Schkopau. Leibitz-Pimnicki today is the plant manager at Schkopau, and two years after the collapse he spoke as follows about Dr. Ambros:

"From 1937 to the summer of 1939 or thereabouts, Dr. Otto Ambros was Betriebsfuehrer at Schkopau. In that capacity he was responsible for the whole plant in accordance with the laws of the Third Reich. He was succeeded in the summer of 1939 or thereabouts by Dr. Wulff. The latter then became responsible". Dr. Leibitz-Pimnicki also says that he has heard nothing in the nature of a reproach against Otto Ambros originating from the time when the latter was in charge of Schkopau, although two years have elapsed since the collapse, and in view of his position as Production Chief he would have been sure to hear of any complaints."

I beg your Honors' pardon, Mr. Sprecher has just pointed out that I did not give the exhibit number. This is Exhibit 32.

THE PRESIDENT: We have it.

BY DR. HOFFMANN:

Q.- Mr. Ambros, we have just observed that you were in charge of Schkopau, that you worked on the intermediates at Ludwigshafen, and now, aside from these plants, did you build any other plants?

A.- May I again use the map which you introduced as Document 102.

Q.- That is Exhibit 18, I believe, on page eleven of the first document book.

A.- On the lower Rhine you will find two groups of four circles. The biggest one is Huels. That was the second Buna plant which I built from 1938 on. At the end it produced forty thousand tons of buna, and other chemical products.

Q.- Mr. Ambros, I should like to ask you a question. You said you built Huels from 1938 on; how long did it take to build the plant and when did Huels go into production?

A.- You're right. In 1938 it was founded. It was actually built only in 1939, and the first product came out in '40 or '41 -- that is during the war.

Q.- Please continue.

A.- Next to that you see Zweckel -- that was a little ethyl oxide plant. Then there are two circles, -- Holten. That was also an ethyl oxide plant. And next to that, the so-called Oxo plant, a very new technique for synthetic soap. Under that is a plant called Steeden. Everything that is in solid color is connected with Buna. Steeden was a calcium plant. Then there are three Montan plants. That is to say Reich-owned plants, of the GPH which were to serve exclusively for armament purposes during wartime. They are in Bavaria, Gendorf. Then in Silesia, Dyhernfurt, for tabun. Then Falkenhagen near Berlin, which was to produce sarin.

Q.- Mr. Ambros, tabun and sarin -- what are they?

A.- Tabun and sarin are two poison gases which we shall discuss later. In the extreme east you see the Auschwitz Plant. Now I shall go down to Italy. In the south there is Terni. North of that Ferrara, and now four ethylene plants.

Q.- Mr. Ambros, what is ethylene?

A.- Ethylene is the raw material for the production of diglycol, glycol -- that is prestone -- and for a number of plastics, and it can also be used for mustard gas. These four plants in Italy were used only for the production of pncetime glycol, diglycol, for detergents and chemicals. The

plants are Mestre, near Venice, owned by the Fiat group, Vetrococ, and on the Ligurian Sea, Carrara, Marina, and San Giuseppe di Cairo. These plants belonged to the Montecatini Konzern. All these plants were built during the war. I believe that the last mentioned were not even finished.

Q.- Mr. Ambros, please, very briefly, with the aid of this map, tell us the extent of your activity up to the outbreak of war. What did you build and what were you going?

A.- Up to the outbreak of war we have Ludwigshafen, Schkopau, Zweckel, Huel, under construction, Gendorf, under construction, and the two Italian plants. That is all.

Q.- Mr. Ambros, the war broke out in 1939. At this time, that is before the outbreak of war, what were your hopes for the future? Did you expect economic development or what did you expect?

A.- At this time we had enormous hopes for peacetime economy. I had developed plastics chemistry and I foresaw enormous expansion, both in Germany and abroad. Everything that we were doing then was just as interesting to America, England, France, and the whole world. I need to pick out only one example.

At that time we were producing Nylon in a friendly agreement with Dupont. I believe there is no doubt that Nylon is yearned for in the whole world, and so it was with the entire field of organic chemistry. Buna was to be better than natural rubber, and in some ways it was better than natural rubber.

Q Mr. Ambros, did you personally give any thought to this: did you want a monopoly in the products which you manufactured, or the processes in your hands, in the sense of exploiting other peoples or making it impossible for other nations to represent their own national interests? Did you have any ambitions in this direction?

A No, anyone who knows chemistry, who works in chemistry, known that chemistry can never be monopolized. Chemistry is a dynamic science. It goes on. One cannot block it off, because, Thank Goodness, every people is inventive. In an exchange between peoples, there lies the great chance of chemistry.

Q Mr. Ambros, did you wonder whether the political leaders shared your opinion?

A Hardly. Political leaders do not understand these things.

Q Mr. Ambros, where were you when the war broke out?

A I was in the Dolomites, San Martino di Castrozza.

Q What about your family, were they with you?

A I did not place my family from a strategic point of view. My son was at Sylt across from Helgoland. My two-year-old daughter was in the Black Forest near Strasbourg. I myself, and my wife, were motoring to Rome. There I heard the news that war had broken out.

Q What did the outbreak of war mean for you personally?

A The outbreak of war meant the hardest blow for me. My home plant of Ludwigshafen was 40 kilometers from the French border. That is within range of the big guns of the Maginot Line. I had built a number of very nice factories at Ludwigshafen which were just coming to full bloom. When I was first married, I had set up a home for which we had

saved the money with much effort. To read about a declaration of war at such a time, and expecting every day the first shells to come over, - that is not very pleasant.

Q Mr. Ambros, you were just speaking of your home, saying that you had saved the money for this with difficulty. I want to ask you how much you earned, after subtracting taxes in your best years.

A I believe roughly, \$1000 a month.

Q Does that apply to war?

A From the beginning of the war our salary was not changed.

Q What change took place in your plant, because of the outbreak of war, at first?

A Nothing. It went on in virtually the same way. The dyestuffs production went on; we continued to produce intermediates. We continued to produce nitrogen. Nothing was changed at the Buna Plants. It was a big surprise to us technical people that nothing was changed.

Q Was the center of gravity of production in the plant under your charge in the same field as before, or was there any radical change to war production?

A Nothing was changed. Later there were new products added.

Q What were they?

A During the war we had various duties. Gradually there was a shortage of everything, synthetic tanning agents, detergents; there was the problem of Krancolor and there was something - I think this is what you are getting at - there came chemical warfare gases.

Q Mr. Ambros it is true that that is what I was getting at.

Did you have anything to do with this field before the war, and if so, to what extent?

A For all war gases, that is mustard gas which depended on ethylene, and ethylene oxide, I was approached before the war, for I was the man responsible for the chemistry of the ethylene and ethylene oxide, and this ethylene oxide is the intermediate for S-mustard gas, for

Nitrogen Lost, and various variations.

Q Did new plants have to be built to produce war gas, or were these plants already in existence or could existing plants be adapted for that purpose?

A Since I.G. Farbenindustrie, in contrast to the First World War, refused principally to produce explosives or poison gas in its own plant, the Reich, the OKW, was forced to build new factories for this purpose.

Q Did you know, Mr. Ambros, that in other countries and especially in America, the charge was raised against Farben that in the First World War, the gas was produced which was then used first in Ypres?

A Yes, that was done, but I never quite realized who produced it first and who produced the most. The Germans were the first to use chlorine at Ypres, but then I believe all of the Allied industries produced this gas and the Germans were the weakest.

Q Was that one of the reasons why Farben refused to produce poison gas, or what were the reasons?

A That was perhaps one of the reasons but there was a technical reason which was even stronger. In our plants, which, because of the reorganization recently described by Dr. Ter Meer, had been built up clearly and neatly, we did not want to have any outside military bodies.

Q Mr. Ambros, in the field of war gas, aside from scientific work, what was your legal and your economic position?

A This work never had any economic effects. I did this work on an honorary basis, just as everyone is on an honorary basis. I was given a position in 1943 when I took over the position of Manager of the Special Committee "C" in the organization of Trade Industry. Special Committee "C" was an advisory body for the Reich Ministry for Armament and War Production. It included the technical men who worked as chemists in the field of preliminary products, and in part finished products, poison gas.

Q Mr. Ambros, was poison gas ever used?

A The Germans did not use even one kilogram of poison gas.

MR. HOFFMANN: Mr. President, I believe this would be a suitable time for the recess.

THE PRESIDENT: Very well. If you want to lose two or three minutes, but perhaps it would be better if we recessed at this time and perhaps we might run over about that much time this evening.

We are in recess until one-thirty.

(Tribunal in recess until 1330 hours)

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION - Continued

DR. OTTO AMBROS

BY DR. HOFFMANN:

Lay it please the Tribunal, before the recess I asked Dr. Ambros about chemical warfare agents. I should now like to turn to another field. Dr. Ambros, did you concern yourself with questions during the war which had their center of gravity in the civilian sector?

A Yes. In view of the wartime situation, there soon came about a scarcity of raw materials necessary for civilian economy. This morning I already said that we had to produce artificial yeast products. It was very difficult in Germany to supply the necessary fats. That did not only apply to the food sector but in particular the washing agents were scarce, and since the washing agents supply forms the basis for the hygienic necessities of a country, it was very important to produce a new synthetic washing agent from German raw materials.

Farben has invented a quite a number of new types. It was the task of a special commission of War, which is to say, the Washing Agents Raw Materials Commission, to find ways and means in order to meet this scarcity of washing agents and raw materials thereof, and chemistry endeavored to find a substitute for all, which was necessary for the civilian economy.

Q Did you continue to work in the field of plastics?

A Plastics were expanded because of two reasons. Firstly, new types were added because we were working in our laboratories during the war. We continued to do so, and we therefore invented new types in fields which were of a purely scientific nature, and which applied to civilian industry.

Q Did you publicize these inventions?

A This development was so enormous and so speedy, that the public

was not sufficiently informed. In view of my close connection with the German universities, this prompted me to hold lectures before quite a number of German university students, I started at the Alma Mater from which I came up, in Munich. I then lectured at the University of Heidelberg. I lectured at a number of other Universities, and my last great lecture was at Freiburg.

DR. HOFFMANN: Your Honors, with respect to this activity of Dr. Ambros, I should like to submit document OA-126, which will be Exhibit 33. You will find that on page 109 of the Document Book. This is a statement of Professor Dr. Hermann Staudinger of Freiburg University, dated the 12th of January, 1948. Staudinger, as before, continues his activity at that University. He discusses that the Honorary Doctor title was granted to Dr. Ambros. This was done because of his scientific activity.

Staudinger repeats the document, referring to the Honorary Grant, and the last paragraph is particularly significant where he said, "Political factors, for example Party membership, were not taken into consideration for this honor; it was conferred merely on the strength of Dr. Ambros' merits in the field of macro-molecular chemistry."

In order that the Tribunal may derive some picture as to the lecture itself, I submit Document OA-125, Exhibit 34, the lecture of Dr. Ambros, which was the immediate reason for his appointment as Honorary Doctor. You will find it on page 77 of the English Document Book. This is Ambros Document 125, Exhibit 34.

Q Mr. Ambros, after the outbreak of the war in 1939, did you believe that Germany would win the war?

A Immediately after the outbreak of the war, I did not believe it. I said to myself that if now the Allies would surround and attack Germany, the war must be over within a few months. From my home in Pfalz, I knew how little resistance methods had been developed. The so-called Western Wall, according to my impression, was not yet at all firm. The cement was not firm enough in September of 1939 in order to withstand any assault.

We who lived right at the border, thought that any hour we would have to leave our home, and that applied equally to all villages and towns situated close to the frontier. When the Allies then actually permitted Hitler later to overrun each country individually, Poland succumbed, the Netherlands, France, Norway were conquered, and then I saw that possibly some favorable end of the war could be achieved, but when, on the 22nd of June, the war against Russia broke out, and particularly after Stalingrad, when the systematic and concentric Russian attacks started, with its full military and psychological impact - then only one hope remained for me; that was, that perhaps one sort of negotiated peace could be agreed upon which would obviate the final clear defeat.

No, the technical people, know of the strength of American industry, and we therefore only had one hope, namely that as I said before perhaps some sort of a negotiated peace would result.

Q Was that the attitude which you continued to have in your position until the collapse?

A Yes, I had to remain on my job in the same way as every soldier, and my hope was "perhaps there will be a draw, and that will be the solution."

Q When at the end of the war Hitler issued an order to destroy everything, what was your attitude? Did that order reach you too?

A Yes, this order reached me too. I could not obey this order because it would have meant that I would have to destroy the plants which I myself had constructed, and this conception was shared by us all. This order for scorched earth, this destruction of all transportation, the exploding of all bridges, the destruction of our factory sites, represented sheer madness. That was why we fought against it, and I personally fought against it, and that was documented specifically in one case.

Q. Your Honors, in order to substantiate the intervention of Dr. Ambros during the last months of the war particularly as a result of Hitler's destruction order, I should like to submit a number of documents starting with Document OA-130. That will become Exhibit No. 35.

MR. SPEECHER: Mr. President, could we ask defense counsel for a statement as to the possible relevancy of any of this material whatsoever?

THE PRESIDENT: The Tribunal feels that this is competent.

BY DR. HOFFMANN:

Q. That is Document OA-130, Exhibit 35, Page 118 of the English Document Book. Then we have Document OA-131, which will be Exhibit 36, Page 119; then Document OA-132, Exhibit 37, on Page 121 of the Document Book; Document OA-133, Exhibit 37, on Page 121 of the Document Book; Document OA-133, Exhibit 38, Page 122 of the Document Book; Document OA-134, Exhibit 39, Page 124 of the Document Book; and finally OA-135, Exhibit 40, Page 125 of the Document Book; and finally, OA-135, Exhibit 40, Page 125 of the Document Book. Your Honors, I shall dispense with submitting these documents individually. I think they speak for themselves. At any rate, it becomes apparent from these documents that it is due to the efforts of Ambros if a large number of plants are still in existence today.

MR. Ambros, I would like to revert to your legal position once more. What was your position as the youngest Vorstand member of Farben?

A. Within the circle of the Vorstand of Farben, I represented a certain sector of our sphere of work. I, as a technical expert, represented the Buna field, the field of intermediate products, the field of plastics, the acetylene and ethylene industry, and all the various developments, large and small as they expressed themselves in the construction of approximately 12 plants and in the expansion of our field of work as they were treated in a number of special commissions,

the management of which I was entrusted with in the I.G. Farben; for instance, the Zetko, the commission dealing with intermediate products; Commission "K", that is the rubber-plastic commission which concerned itself with these modern fields; the Ware, the agent for raw material products; and smaller commissions like the analytical commission and many others which I can't remember now.

Q. Did you know about all matters which were dealt with in the Vorstand?

A. No, that was impossible. I heard of them but the field which Farben covered was far too extensive and far too divergent.

Q. To what extent did you represent the plants of which you took care before the Vorstand?

A. I reported on all financial, technical and even essential social events which took place at these plants. I reported on the technical and scientific progress which became apparent in this field, and I also reported -- and that was something specifically desired by the Vorstand--on all the various contracts, patents, exchange of "know-how", and I reported on everything in which I had to intervene in a leading way.

Q. What were the other Vorstand members particularly interested concerning the plants represented by you?

A. Since we are a chemical-technical enterprise, I think the other gentlemen were mostly interested in every new chemical and technical venture. The gentlemen were naturally interested in any new effects as they applied to foreign countries. They were interested if any plant made some progress, even in the social field, and if something favorable had come about, it was transmitted to another plant. But all that was only done on the highest level because there was too much to be told in detail.

Q. To what extent did you interfere in a downward direction with

respect to the plants of which you took care?

A. The plants were organized in such a way that they were managed by the best possible people; in other words, the works manager who was there was also the plant leader. There was first an engineer. There was a social manager. There was the leader of the commercial department. These in turn were subdivided into a number of departments towards the lower levels. We planned the best man we knew at every spot; for instance, at the plant of Schkopau, which we shall speak later about, 100 people with college education were employed -- 50 chemical engineers, and 50 technical engineers. There were about 20 leading business men there. They had to deal with accounting, buying, salaries, and matters like that. Furthermore, every plant had three, four, or five physicians. There was a chief physician who was in charge of medical service. Every plant had social advisors, which is a very difficult position, and which not only requires an expert in social questions but also requires a man who can find his way through the forest of these many, many laws which daily accumulated on our table. For that, one needed a number of lawyers who had enough ability and enough leisure to find their way through this confusion. In every plant there was a well-developed administrative apparatus, which I had to face.

Q. Now let me put a question to you. Did you let this administrative apparatus deal individually or did you intervene in its activities? What was your position in regard to that administrative apparatus in the plant?

A. If you have 10 or 12 factories, and if in addition you have current work to do at home and abroad, then naturally you cannot concern yourself, and you don't have enough time either to intervene with respect to details. Naturally, I was always there whenever I could help: therefore I sometimes intervened in details, but only after the necessary adjustment had been made with the administration concerned and with the head of the local plant.

Q. In conclusion, how would you define your position between the factory and the entire Vorstand of the Farben industry?

A. It is very hard to find a suitable word to meet it. When I was in Hlanya with the British, I once became acquainted with an example there. They had a so-called "supervisor." The supervisor was in London. In Hlanya, he had ten plants. He was informed about everything that went on. He knew the guiding principles of the company. He knew its policies and he interfered whenever it became necessary. The Indictment has designated me as "Plant Leader, Manager." But all these terms really don't fit. The English equivalent, would select, would rather be "supervisor."

Q. You used the example of London and Hlanya, but you weren't as far away from Berlin and Ludwigshafen as one may be led to believe when you give us this type of example.

A. Well, let me put it this way. I varied in my interferences; sometimes I interfered more and sometimes less, depending upon the situation. I was the responsible person for the broad policy as it applied to these plants.

Q. Mr. Ambros, tell me once more briefly of which plants you had to take care and in what function you were legally active there.

A. Well, let me use the map so I don't miss any.

Q. Very well. This is Document OA-102, Exhibit 18, Page 11 of the Document Book.

A. I was a member of the Vorstand in the Farben industry.

Q. Since when?

A. Since the first of January 1938. As such, I was responsible for the organic and chemical part of its work but not for the work management of the plant at Ludwigshafen.

Q. One question, Mr. Ambros. If you said that you were responsible for the organic-chemical part of Ludwigshafen, were you exclusively a chemical engineer at Ludwigshafen?

A. Yes.

Q. Very well. Continue.

A. At Schkopau I was the deputy business manager of Buna Werke, GmbH Schkopau. In Auschwitz, I took care of the Buna and Montan part of the plant for the Vorstand. In the two Montan plants, Gendorf and Dyrenfurt, I was the business manager of the Anorgana GmbH. I don't have to mention the little plant at Falkenhagen. That was merely a construction site. There I was to become the business manager of Monturon. This was purely an operating company. It may have been registered, but I couldn't really have been active there because it was merely a construction site. In Huels, there was a chemical factory Huels near Pahl. There I was a business manager for three months in the year of 1938 and that was my first Aufsichtsrat position. I remained there until the end. In Holten, that was a company merged through the Ruhr with the Theo Goldschmidt and Farben, I was Farben's representative. In the plant at Zweckel, I had no position because it was an appendix to Ludwigshafen. The same applies to Stooden. That was a little calcium plant. I see from the documents here that I was an Aufsichtsrat there, but that didn't exist because there was no Aufsichtsrat there. It was just a small calcium burning plant. In these foreign plants, as you stated this morning, I was just a chemical engineer.

Q. Mr. Ambros, is it true that in the plants of Ludwigshafen and Auschwitz, you were active there in your capacity as member of the Vorstand; whilst in most of the other plants like Dyrenfurt, Gendorf and Schkopau, you occupied an ownership position -- if you could designate the business manager as owner of the plant?

A. Well, I never considered myself as an owner.

Q. Well, what did you actually think when you became business manager or deputy business manager at Schkopau, at Gendorf, or at Dyhernfurt?

A. Well, when I went to Schkopau, I considered myself as a delegate of Farben. Farben was the owner of Schkopau, which delegated and entrusted me with the work there. In the case of Gendorf and Dyhernfurt, I was assigned by Farben to direct these two Reich-owned plants. Naturally, I forgot the French part of this matter.

Q. From a chemical and technical point of view, were you active in all these plants or did it differ as to the individual plants? I am referring now to the technical aspect on the one side and the social aspect on the other.

A. In Schkopau, there was a time when I was fully active technically as well as socially. However, after I gave up my position as plant leader I had to keep myself aloof from Schkopau and I actually only went there once every three months, and that really applied to the other plants in the same way.

Q. What you said just now, does this apply to the social part or only to the chemical?

A. Well, to the social part.

Q. Well then, how about the chemical part?

A. Well, chemically I was always currently informed as to what was going on.

Q. What do you mean you were currently informed?

A. I knew the production in its every detail. I knew about all the credits. I knew about all the requests for the expansion of every plant. All these requests were preliminarily approved by me individually with one reservation; namely, that the responsible commissions of Farben mainly the Tea office, and finally the Vorstand, would sanction my preliminary approval. Because of this method of mine, I was automatically forced to be informed of all technical events and to be informed

of every new development, of every change, and not only did I have to be informed of them but I had to understand them.

Q. Mr. Ambros, how could you cope with all this amount of work? Wasn't it too much for you? Didn't you take on too big a job?

A. Well, it was a great deal, but it was one line. All Buna plants had more or less the same processes. All plastic plants had the same ideas in common. And, Mr. Hofmann, at that time, especially before the war, we had air-planes at our disposal. Very often I flew from Ludwigshafen to Schkopau in the morning, and the same evening I was back at Ludwigshafen. Of course, it was more difficult during the war, but at that time I was actively occupied with this entire matter. The legal organization to which we were subject to, as technical people, could of course not be extended during the war.

Q. Where were you when the war ended?

A. I was in Ludwigshafen up to a few hours before the plant was occupied by the Americans. At that moment, I went to Gendorf, Bavaria. All the refugees of the various plants in the east had assembled there. In addition, we had our laboratories there, particularly the famous laboratory of Dr. Roppe.

Q. Did you flee before the Americans?

A. No, I had no reason to flee. When the first vanguard of the Americans arrived at Gendorf, the commanding officer was surprised to find a plant which was still in operation. The plant had had no air attacks and from March, April and May, I had reconverted the Gendorf plant to peace time industry. I had constructed a small pharmaceutical factory there. I produced lacquers, detergents, and washing agents, and the American commanding officer was visibly surprised to, for a change, find a factory which had not been destroyed, but which was once more prepared for the coming peace - time industry.

Q. And did you remain in Gendorf?

Q And did you remain at Gendorf?

A I remained at Gendorf. Gendorf, at the time, was frequently visited by Allied Commissions, and I was available to these Allied commissions at all times until one such American commission took me along with them to Heidelberg where we worked together in various fields.

Q And when were you arrested, Mr. Ambros?

A I was arrested on several occasions.

Q Well, the first time.

A Once I was arrested for two hours, in the summer of 1945, by a detail of General Patton. Then, I think from January to May 1946, I was incarcerated by the French. Then I was released and acquitted after some proceedings. Then I once more became Vorstand member at Ludwigshafen until, on the 13th of December - Friday, the 13th of December, 1947 - I beg your pardon, 1946, I was again arrested by the French and then I was transferred to Nurnberg. I think today it is one year.

Q If you thought about your activity before the collapse did you think that you would be indicted?

A No. I think the first stages after the collapse promised everything else but that I would finally be arrested.

DR. HOFFMAN: Your Honor, that concludes my submission of evidence in respect to Book 1. I should only like to present...

THE PRESIDENT: Dr. Hoffmann, permit us to check with you about some documents here now to make sure we have our records correct. My book indicates that your Documents OA 108, 109, 110, 111 and 112, as well as 117, 118 and 119, also 127 and 128 have not been offered, and 129.

DR. HOFFMAN: Yes.

THE PRESIDENT: Now, what is your desire with respect to those documents? Do you intend to offer them later or do you intend to pass them?

DR. HOFFMAN: Your Honor, I intended to offer part of these documents now and reserve two documents for a later date.

THE PRESIDENT: Very well.

DR. HOFFMAN: I shall now offer Document OA #108. This will become Exhibit #41. You will find it on page 21 of the English document book. This is an affidavit by four chemical engineers, Reppe, Buelow, Hopff and Schnell. They speak on the achievement and talent of Otto Ambros as a chemical engineer. The document speaks of itself. I don't have to refer to it.

Document OA 110 I shall not submit at the present time. However, I shall now submit Document OA 109 as Exhibit 42. This is an affidavit by a certain Linde who also describes Ambros as a chemical engineer.

With reference to the fact about which Ambros spoke that he built Italian plants and with reference to his attitude towards Italians generally, I am offering documents OA-111 and 112 as Exhibits 42 and 43 respectively. Dr. Grottanelli.....

THE PRESIDENT: You had already given us 42. I assume that you mean that 111 will be 43 and 112 44 because you had given Document 109 the number 42.

DR. HOFFMANN: Yes, Your Honor.

THE PRESIDENT: Very well.

BY DR. HOFFMAN:

The two last documents are affidavits by an Italian, Dr. Grottanelli, who, at present, is still the vice-president of a large Italian company and who is commenting on Ambros' activity in the construction of the Buna plants at Ferrara and Terni. The same Dr. Grottanelli speaks in the next document, which I submit as Exhibit 44, about Otto Ambros' attitude towards the Italians, in particular towards Italian workers.

The next document, OA 117, on page 46 will become Exhibit 45. This is an affidavit by Dr. Robert Hasenclever who is a plant

leader of the Zweckel plant. He describes Otto Ambros' attitude towards that plant.

Document OA 118 will become Exhibit 46. This is an affidavit by Dr. Max Wittwar, the plant leader of the Gendorf plant. He gives us a survey of Otto Ambros' position and attitude when he was business manager of Anorgana G.m.b.H.

The next document, OA 119, will become Exhibit 47. That is an affidavit by Dr. Albert Palm who knows about Ambros' activity and attitude towards the plant of Dyhernfurt. Palm was the plant leader at Dyhernfurt.

The next document which I shall submit now is Document OA 127 on page 112 of the document book. This will become Exhibit 48. It is an affidavit which is to prove the testimony of Ambros which he gave in relation to his connection with political persecutees.

The same statements are made in Documents OA 128, which will become Exhibit 49, and OA 129, which will become Exhibit 50.

Your Honor, I have only reserved one document in this book. That is OA 110 which I shall submit later.

Q. Mr. Ambros, I should now like to turn to the Buna plant Schkopau which we have already discussed. I should like to ask you in somewhat greater detail what you know about the reason which led to the construction of the Schkopau plant as the first Buna factory in Germany?

A The Buna plant Schkopau was to become the first Buna factory in Germany at a time when we had not yet developed a technical process and were only relying upon results of various pilot plants which were located at different places and which did not guarantee the cooperation of the four stages of the Buna process. At the time there was a desire on the part of the government, at a time which to us seemed to be premature, to construct a Buna plant and we suggested to construct a plant of a capacity of 200 tons per month. The order

was to construct the plant in Central Germany and that is why I tried to find a location near the Elbe in the soft coal territory, until, finally, I found an excellent terrain near Schkopau located close to the Saale and in the vicinity of soft coal.

Q You said something about an order. Wherever there is an order, there must be somebody issuing an order and who issued this one?

A The order was issued by Keppler at the time with the reason that the superior Reich leadership desired the introduction of Buna production on a technical scale.

Q Were you told why the supreme Reich leadership wanted to start Buna production?

A Yes. The reason was that there was a shortage of foreign exchange, a scarcity of raw materials and, principally, there was a desire to affect motorization. One wanted to expand the German automobile traffic and all these desires made it necessary to form one's own rubber basis.

Q And did you believe in that reason for the order?

A Yes, it made sense to me that rubber should be produced synthetically if, as we could hope at the time, it would prove to be better than natural rubber. I knew that we had imports of natural rubber and, in order to substitute for that import, we wanted to produce synthetic rubber and that made sense.

Q Did you publicly express yourself in that sense when the Buna plant was started?

A Yes. I held lectures before technical circles. For instance, at the Haus der Technik at Essen where all chemical engineers of the Ruhr territory gathered, and I think that was one of my first lectures on Buna.

BY DR. HOFFMANN:

Your Honors, in order to prove that Ambros at the time uttered the same opinions which he has repeated today, I am submitting, from Document Book II, Document OA 201 as Exhibit 51. It is on page 1 and this is a report appearing in the Berliner Boersenzeitung on 10 June 1937 on a lecture given by Otto Ambros in the House of Technical Science (Haus der Technik) in Essen on problems of synthetic rubber. It is stated in this report that Ambros pointed out that in particular the motor car industry, which in Germany and in the United States consumes about 60% to 70% of rubber consumption, has to rely upon Buna and its development. I should like to draw your attention to another paragraph contained in this report which was written in the year of 1937 and here it says that the motorization is considered as a decisive means to revive economy.

Q Why, Mr. Ambros, were you entrusted with the construction of this Buna Plant?

A As I already said this morning, I was active in Oppau since 1928, at first scientifically in the Buna field and then, starting from 1934, I developed in the category of intermediate products at Ludwigshafen the decisive stages for the technical Buna process. I must explain briefly what the four stage process means because it returns again and again in this Courtroom. From calcium and coal we produce acetylene and, in four stages, we produce four stages of Buna. Two of these stages we invented at Ludwigshafen. The first stage, the production of carbide, was already known. The center of gravity was in my department because there we were dealing with the unknown and it was Dr. Ter Meer who entrusted me with undertaking the entire management of the development of synthetic rubber. This was in the year of 1935 and that is how I became the responsible man for this factory at Schkopau.

Q What was the preliminary work which you did in order to commence

the construction of the Schkopau plant?

A I continued the preliminary work which Elberfeld had started in 1908, which Leverkusen had developed during the First World War, and which then in the year of 1928 was taken over by Oppau and Ludwigshafen Hoechst and Leverkusen. The preliminary work was the developments at the pilot plants.

Q Mr. Ambros, as far as you know, were the profits which could be derived from that plant, considered, or was the Buna plant to be constructed without consideration of any profit?

A The first experimental plant had no such problem, but the choice of the location of Schkopau - in other words, a terrain near coal, water, calcium, salt, and the size of the terrain - these questions were dictated by the basic thought that the new plant was to be constructed according to the principles of private enterprise with a sound chance of profit. From the very beginning, other spheres of chemistry - plastics, solvents, etc., - were to be affiliated to Buna chemistry.

BY DR. HOFFMANN: Your Honors, in order to present to the Tribunal some picture of this Schkopau plant, I have submitted as Document OA 202, Exhibit 52, a number of photographic prints of the Schkopau works and I shall put a number of questions with reference to these photographic prints to Ambros.

Q Quite generally, Dr. Ambros, was this Buna plant a plant which had to be particularly dirty because of the type of work which had to be performed, or was it a plant where the working rooms could be constructed according to healthy, hygienic principles?

A A Buna plant has to be absolutely clean because just a little speck of dust in rubber, if the Buna is processed into tires, can give occasion for the tires to tear. The tires may explode and finally there may be an automobile accident. A Buna plant must work in an absolutely clean way and free of dust. That was very difficult to

achieve as, at the same time, carbide had to be produced. Carbide factories produce dust. Therefore, it became necessary to choose the proper location for the carbide factory in relation to the wind and a chimney of a height of about 120 meters had to be built so that all the dust was thrown into the neighbor's face.

Q Now, Mr. Ambros, would you speak on the photographic prints which I am submitting and tell us what they depict?

A On page 3 we see that there's a street leading up to the Buna plant. This is 30 kilometers northwest of Leipzig on the Saale, between the soft coal mines, and 5 kilometers away from a salt source. If you look at the second photo you will find that there is an area, 2 kilometers long and 1 kilometer broad. On page 4 the upper picture shows the beginning of the construction site. Everything has been mechanized and the lower picture of 1942 shows modern building constructions, separated by broad streets. On page 5, looking at the lower photo, you see the largest carbide factory of the world. On page 6 you can see settlements and the lower photo is a workers' camp about which we shall speak in greater detail.

Q There were foreign workers there too, Mr. Ambros?

A Yes, the foreign workers were living there. On page 7 you will catch a glimpse into the power plant. A Buna plant needs as much power as the city of Berlin. On page 8 you will see two factory photos. The upper picture shows the Styrene furnaces. If you will look at the photo, you will notice one worker who is serving six furnaces. He produces 1,000 tons of Styrene per month at a value of two million marks. In the lower photo you see a Russian woman. She serves in the same manner an entire battery of polymerization ovens. The next photos show the processing of Buna. Then you have photos of the workshops and schools where we trained our workers.

Q. Mr. Ambros, did you intend to have barracks for the workers of the plant or did you want firm buildings for them?

A. We intended to build both. Basically we were erecting settlements; that is to say, firm buildings partly around the plant and partly at a greater distance in pleasantly located areas, vicinities. Next to that we erected barracks because the construction of apartments was already curtailed strickly, as from 1938; that is to say, we couldn't build as we wanted to. We had to receive permission for the material for the workers and that was much more quickly achieved when building barracks. In addition, in the course of the years there developed a type of barracks which was very clean and pleasant and comfortable.

Q. Now, Mr. Ambros, I think that every person prefers to live in a stone building to living in barracks and you were saying that you had developed a type of barracks which was pleasant, clean and comfortable. In your opinion, how was such a barrack constructed?

A. According to the type of barrack, eight, sixteen or more people lived together. Sixteen was about the average. Connected with the barracks there was a day room where people could eat, where they could play, where they could read. In the middle there was a communal room. Rather, in the middle of the camp there was a hall holding a few hundred people where they all ate together.

Q. Mr. Ambros, we have heard here -- and you know of it--that foreign workers were later housed in barracks. Before the war did you house German workers in these barracks, too?

A. When I was the plant leader -- that is to say, up to the 1st of May, 1939 -- there were no foreign workers there, but your question is justified. Already at that time there were Germans who were conscripted for labor. Some law had been promulgated according to which certain industries were no longer of importance and those industries had to release their workers to others.

For instance, in the textile industry there were no longer enough fibres available. Therefore, we received workers in our factories which

were conscripted for labor. These persons were originally billeted in small hotels or with farmers, but in central Germany that isn't a very attractive arrangement. They preferred to live in the camps of the plant. They even asked for it, because in the camp, there was heating, food was better, there they worked together with their comrades, and they lived right close to the plant. They didn't have to walk too far, and already in 1938 the first camps were built upon the desire of the workers.

Q. What you have said now, applies only at first to German workers?

A. Yes, it applies only to Germans because we had no foreign workers.

Q. You were speaking about German workers conscripted for labor.

What was your attitude towards conscription of German workers? Was that something new to you?

A. Yes, quite a new thing. One had to get used to that idea.

Q. And why and how did you get used to it?

A. It is unusual for a man to have to leave his family, to have to be torn out from one's profession but, as I know now, such conscriptions existed in all countries of the world. Conscripted workers who came to us had to train for something new, and it was our duty to find some reasonable, just way. The terminology used in this connection was professionally just. Just to give an example: An interior decorator is not usually employed in a carbide oven. You try to use him when erecting new barracks and he can help in the furnishing of these barracks and in this manner we tried, and we actually succeeded, in solving the problem of the German conscriptees.

Q. Mr. Ambros, you didn't reply to my question. I asked you -- I wanted to know what your attitude was to conscription for labor perse which, to a certain extent, deprived a person of his liberty.

A. As all other Germans, I resigned myself to the measures of a government which practically was chosen and supported by 90% of the Germans, and that was that.

Q. Even before the war did you think that you would have to work

with foreign workers -- and to what extent?

A. There was one exception. In Slovakia, there were German language islands and German place names were to be found there, and unemployment prevailed there and of these Slovaks, in the summer of 1939, volunteer workers came to Schkopau. It was the same sort of people, the same sort of workers, as they came from Italy into the brick works according to the season, and how they came from Poland into the sugar harvesting. That also applied to the Ruhr territory where thousands of Poles were active. That may perhaps answer your question.

Q. Mr. Ambros, after the outbreak of the war the Schkopau plant was considerably expanded.

A. Well, Schkopau underwent the following stages. At the moment the war broke out, 40,000 tons per year were planned. At the beginning of 1940, an order came to increase production up to 60,000 tons. I will just look it up.

Prosecution Exhibit 550 in Book XXVIII, page 67, English page 49, has as an annex a contract between the Reich Minister of Economics and the Carbon industry with the following text:

"According to requests of the Reich, the bunn plant, Schkopau, is to be expanded in order to produce its double capacity up to 60,000 tons. The number 60,000 is therefore correct.

Q. Did you need more workers for that?

A. Yes, we needed more workers for the construction as well as later for the operation of the expanded plants.

Q. Did you have German workers for that purpose?

A. The scarcity already started then.

Q. When was that, Mr. Ambros?

A. In 1939, after the outbreak of the war. We had 5,000 employees at the time. On 1 September 1939, we lost 800 to the Wehrmacht. That is to say, the plant had to produce more, had to expand, and in view of all that 20% of its employees were taken away.

Q. Couldn't you receive any substitutes for those 800 men which were drafted into the army -- I mean German workers?

A. We tried to get Germans. We tried to use the classical channel which always repeats itself, by presenting the order to the effect that we had to expand, produce more, and with that order we went to the Labor Office and said: "We need more workers. We want Germans." The Labor Office at that time gave us German conscriptees. We exploited our situation by pointing to the unique position of Schkopau at the time. We asked for Germans so that the difficulties as to language difficulties would not come up in our plant.

THE PRESIDENT: It is time for recess now.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

BY DR. HOFFMANN:

Q. Dr. Ambros, before the recess you were saying that after the war broke out you requested Germans to replace the Schkopau employees who were drafted, and you mentioned in passing the fact that you did not want foreign workers. What did you mean when you mentioned foreign workers? Were there foreign workers at that time in the sense of the ones who came to the German Reich later?

A. No, I was thinking more of the time 1940-41, but your question was referring to the time after the outbreak of war. At that time there were none.

Q. Your Honors, in proof of the increase of buna production, and the development of German buna production in general, the former defense counsel of Dr. Ambros, Dr. Drischel, offered a document for identification. That is OA 4. I should like to introduce that into evidence at this time as Exhibit Number 4. I ask that this be incorporated in Document Book 2. Dr. Ambros, with the aid of this document can you again describe the development of buna production, especially explaining the shadings in the chart.

A. This chart is about the development of the German buna production in thousand of tons per month. Every figure must be multiplied by a thousand. The survey is as of 1 November 1944, somewhat before the collapse. The whole part at the right refers to plans. This can be ignored. The part at the left are actual figures. At the left at the top there is a legend showing the types of buna. The pale blue is buna-S, the most important type, which is needed for tire production. The dark blue is buna-SS. This contains more styrene and therefore is called SS. It contains twice as much styrene. The brown is perbunan, a special type which is oil resistant. It is produced today in America under the same name. The other types are of minor importance. Perhaps buna-85, which is indicated in yellow--this

is analogous to the Russian buna, but because of its poor quality it was of no significance in Germany. Now in 1937 we see 0.28. That means 280 tons per month. In 1938, 450 tons per month. 1939, 1,800 tons. That is Germany went into the war with a production of 1,800 tons per month, and a consumption of 10,000 tons per month. Germany at this time, was supplied virtually only by Schopau. Those are the figures which you mentioned before, Dr. Hoffmann. It was only in 1940 that we approached a total production of 30,000 to 40,000 tons. Also practically only in Schopau, because the second plant, Huels, went into operation only at the end of 1940. In 1941 we have an increase of 7,000 tons; 1942, 8,000 tons per month; and in the second quarter of 1943 we reached, for the first time, 10,000 tons, therefore 20,000 tons per year. Then comes the first big air raid and destroys Huels.

Q. Dr. Ambros, I don't want to take away your pleasure in chemistry, but as your defense counsel I am primarily interested in the following. Does this chart show total German buna production? Is all the buna that was produced included in this chart?

A. Yes, that is our German planning. This was a central planning for Germany.

Q. Dr. Ambros, what does "SKO" mean at the bottom?

A. Schkopau.

Q. What does "HU" mean?

A. Huels.

Q. I always heard that Auschwitz was also a buna plant. Where is the Auschwitz production shown?

A. Auschwitz did not produce buna. It just became a buna plant here.

Q. And now, Dr. Ambros, in the years 1943 and 1944 there is some irregular drop. Does such a drop always mean big air raid damage or what does it mean?

A. This big drop in the third quarter of 1943 is the destruction of Huels.

but after a few months we were able to find the partial solution. We were not able to repair Huel's completely.

Q. Very well. And in 1944, the last two quarters, numbers 3 and 4, were those drops also occasioned by air raids?

A. Schkopau was eliminated at this time, because as the document of the United States Bombing Service shows, Louna was eliminated, and since Schkopau was working with Louna, Schkopau was also eliminated.

Q. Mr. Ambros, I should like to come back to the question of foreign labor now. Was there ever a time, to your recollection, Schkopau, when you were not able to get enough German workers, and if so, when?

A. This emergency occurred relatively late with Schkopau, since, through the aid of the Reich Office, Schkopau was supplied for a very long time with German conscripted labor.

Q. Mr. Ambros, you mentioned a Reich Office. What do you mean?

A. The Reich Office for Economic Expansion for the G.B. Chem., which was in charge of the buna plant. Aside from the conscripted labor there was also the labor obligations of women in Germany, and the Schkopau buna plant took in up to two thousand women who were employed doing lighter work in these plants. But in 1941 -- about the end of 1941 -- all reserves of German labor had been exhausted, both women and conscripted labor. There was nothing left. Then twenty Italians and Flemings came. These were the first foreign workers in 1941.

Q Before the recess I asked you a question which, in my opinion, has not been completely answered yet. I asked you whether, in the case of Germans too, the labor conscription is now something that you objected to because it deprived them of personal freedom. What is your opinion?

A Yes, I was against it.

Q When you had to think of foreign labor, what was your idea then about the recruiting of such foreign labor?

A I thought that the foreigners were volunteers and they were, in the years 1941 and 1942.

Q Mr. Ambros, do you recall that for the recruiting of foreign labor there were certain directives issued, and I am speaking of voluntary recruiting.

A I believe so, yes.

Q Would it refresh your memory if I were to offer as Document OA 205, Exhibit 53, in Book II, page 31, a letter of the G.B. Chem. of 12 March 1941, to I.G. Farben Industrie Ludwigshafen, dealing with a circular on the employment of foreign French and Belgian assembly working teams in the frame of the chemical production plan. Attached is a draft specification for the assembly work. Do you know anything about this?

A Yes, that is what Professor Krauch said here. He said that from his memory of the time of the big Oppau disaster, when he employed assembly teams his office, the Reich Office, used this form of recruiting volunteers. That is to say, for instance in Belgium or France, there are enterprises doing assembly work. After the collapse they had nothing to do in France or Belgium. They were out of work. These assembly teams were to be put to work on the principle of voluntary work. There were offices in Paris and Brussels which mediated the addresses of such assembly firms, and then there were negotiations, together with these mediating offices with the enterprises in Brussels, as if it had been a German firm, perhaps with the single difference that these teams were all much more expensive.

Q Your Honors, I offer one such contract as mentioned by Ambros, as Oa 206, Exhibit 54, on page 39. This is a contract between the Buna Werke G.m.b.H. Schkopau and the firm Leon Heck of Brussels, concerning the execution of assembly work. The most important passage in this contract reads: 1) "The Commissioner entrusts to the Assembly Firm the carrying out of assembly work, especially the assembly of apparatus and pipe systems, the laying of pipe systems in the power plants, and so forth. For the fulfillment of the work entrusted to it, the Assemblage Firm undertakes to make available at first 136 Belgian workers, composed as follows." Then there are specifications about the workers. Did you yourself conclude these contracts, or who did that?

A This was concluded by the Buna Werke, Ecarius is the lawyer, and I am referring to the signature on page 44 at the bottom right. Dr. Ecarius is the lawyer. At the left, Biedenkopf is the first engineer.

Q You yourself actually know nothing about this contract. You know only the model that was introduced before as Oa document.

A We received this model. We considered it correct. We gave it to the plants and, as you can see from the details, these are assembly contracts such as are concluded in peace and war.

Q You must have wondered about how to accommodate these foreign workers. What was done? What do you know about that?

A Primarily they were to be lodged in hotels. All the hotels of Leipzig, Halle, Erfurt, were used for these assembly workers.

Q Mr. Ambros, let me interpolate a question. The impression might be given that these people were to be put in first class hotels. What do you mean?

A No, there were no first class hotels any more at that time. These hotels were used in this way -- they put four instead of one person in a bedroom; they made their kitchens available; they were sheltered in all kinds of hotels, inns, gymnasiums and offices which had been closed down wherever there was room. But that was not enough, and

therefore camps were set up. And when these foreigners saw that it was warmer in the camps and cleaner, that the food was better, that friends would be together, that there would be entertainments, then they all wanted to be put in the camps.

Q Mr. Ambros, now in Schkopau, for example, were there special barracks built for that purpose? What was done?

A Special barracks were built for that purpose. The capacity, if I remember correctly, was, I believe, 6,000 people.

Q Were these new barracks much worse or were they the same compared to the barracks which had earlier been built for the German workers?

A They were exactly the same. There was a type of barracks - the so-called "RAD" type, the Reich Labor Service type. The same barracks in which our boys were living.

Q Were these camps surrounded by barbed wire?

A No, they were open camps with one restriction. When Russians came there, in the beginning, there was an official regulation that there had to be wire fences. That was a temporary legal provision. This practice was given up, however, due to the tireless urging of industry.

Q Mr. Ambros, are you of the opinion that the voluntary recruiting of workers by such assembly contracts that you have described, continued throughout the war, or are you convinced today that the foreign workers who came later were overwhelmingly not volunteers?

A No, from 1943 on, after the Sauckel decree, then there was non-voluntary recruiting of foreign workers. I believe that in Russia, in the beginning, there were volunteers too. Later, perhaps not.

Q Do you know whether, when compulsory introduction of foreign workers to Germany began, Farben representatives participated in this recruiting?

A At the beginning no.

Q Your Honors, the witness Frossard, who has been heard here, testified regarding the recruiting of workers by Farben, and spoke about Schkopau.

In this connection, I offer Document OA 207 as Exhibit 55. On page 45 there is an affidavit of Dr. Adam Boes, who was a referent to the special welfare department of the Buna Works at Schkopau. Boes speaks about the recruiting of French foreign workers in the year 1944 in the Departments Eure and Orne. He said at the end: "Owing to the invasion we could not put our intentions into practice."

He says at the end: "Owing to the invasion we could not put our intentions into practice."

Q. (By Dr. Hoffmann) Do you know anything at all about this recruiting?

A. Now, I must emphasize -- no. I must even say I didn't even know who Mr. Boes was. My attention was called to this man only through young Mr. Frossard. But I read that an institution was to be created to care for these people.

Q. Very well, Mr. Ambros. You yourself know nothing about it?

A. No.

Q. Did you yourself visit the plant at Schkopau, and particularly the camp for foreign workers there?

A. I believe I was there once, in the beginning, but I must say quite frankly I know it from pictures as they appear here.

DR. HOFFMANN: Your Honors, in connection with the foreign workers' camp at Schkopau I should like to offer Document OA-204 as Exhibit 56. Since the defendant Ambros was not in this camp himself, I shall not comment on these pictures individually.

Q. I should merely like to ask you once more: When you visited foreign workers' camps at Schkopau, did you find any objections of such a nature that you thought it necessary to intervene?

A. No. If you look at the pictures you will see that the rooms could not have been better. I know that today part of the camp has become a sanatorium, and that shows the quality of the facilities.

Q. Mr. Ambros, I should like to make a minor correction in this respect. Are you not of the opinion that this employment of foreign workers was only an emergency situation and a temporary thing during the war?

A. Yes.

Q. Were you of the opinion that the foreign workers were happy to be in this camp?

A. No; I must say that a separation from home and families is always difficult, and it would be a distortion of the situation to say today that it was a great good fortune to be a foreign worker in Germany. I can only say that we who had to accept these foreign workers, did everything to make it as pleasant as possible under the circumstances for these men, and Schkopau was a model place.

MR. SPRECHER: Mr. President, I am calling your attention just for a very short moment to Ambros Exhibit 56, document 40-204, and I ask you to turn over to page 30 where we have the only authentication concerning these documents. You will note that there is no indication as to who took the photographs, when they were taken, who is in a position to indicate anything about the sub-headings that appear, etc. We object on the ground that it is utterly improper authentication description, etc.

DR. HOFFMANN: Mr. President, may I give you an explanation on that point. For the sake of simplicity, and in order to avoid difficulty, I offered these pictures immediately. They can be identified by the witness Biedenkopf who has been approved by the Tribunal, so that I can offer them now for identification and they maybe put into evidence when the witness Biedenkopf is here. I thought it simpler to put them into evidence now.

THE PRESIDENT: Now, counsel, on the promise that you will furnish the proper identification, and subject to the right of the Prosecution to renew the objection if you do not, we will permit the documents to stand; but the identification here is inadequate and the Prosecution would be justified in objecting on the showing that you have made. However, if you tell us that you will undertake to properly authenticate the photographs we will leave them in the record for the time being until you have an opportunity to do that.

BY DR. HOFFMANN:

Q. Witness, aside from the foreign workers, were prisoners of war employed at Schkopau?

A. Yes. As far as I know, the Schkopau plant had French prisoners of war, and also Italian prisoners of war; but suddenly they became civilian workers. These were these famous "IMIS", Italian military internees -- that is, troops who were taken prisoners when Italy withdrew from the war.

Q. Do you know anything about the treatment of the foreign workers and the prisoners of war in general?

A. In general, to give just an overall picture, it was good, in every way -- housing, food, treatment, wages -- they were in every way equal to our own people.

DR. HOFMANN: Your Honors, I should like to offer the following documents in support of the testimony of the defendant Ambros; First of all, OA-208 as Exhibit 57. It is on page 49 of the Document Book. This is a communication from the Buna Plant at Schkopau dated 7 May 1942 regarding the regulations for leaves for the foreign workers. AO-209 as Exhibit 58, a report of the Buna plant at Schkopau dated 12 May 1943, an announcement of leave trains to France, Poland, Belgium, Croatia Protectorate and Slovakia. The next document, AO-210 as Exhibit 59 is on page 57. This is a report of the Buna plant Schkopau about the vitamin drive in 1944. The next document, AO-211 as Exhibit 60 on page 59 is a report of the Buna Werke GmbH Schkopau dated 17 January 1944. It contains a list of the meat, bread, and fat rations for foreign workers and prisoners of war in January 1944.

Q. With respect to what Frossard has testified, I should like to ask you: Do you know anything about the treatment of foreign workers and prisoners of war in respect to medical attention? Only if you have any personal knowledge of the matter.

A. I did not take any specific interest in such questions, but when I met plant leader Dr. Wulff we, of course, discussed such problems. I know that everyone -- prisoners of war, foreign workers, Germans -- were given the same treatment by the doctors. I might even say, it

is technically impossible to make a distinction. You can go to the doctor, and you can't, because they would be strange doctors if they made any distinction. I know of examples when Germans or foreigners took even advantage of the presence of especially good doctors or dentists to correct some damage which they may have had for ten years.

Q. Witness, that was your conviction at the time, and today too?

A. Yes.

Q. You know no details about the matter?

A. No. I was confident that the plant management would attend to these things correctly.

MR. HOFFMAN: As the next document I should like to introduce AO-213 as Exhibit 61. It is a letter of the Chemical Plant Buna -- Chemische Werke Buna, formerly Bunawerke -- dated 16 December 1947. A report is attached to the letter submitted by the Buna plant to the Public Health Office in Berlin dated 24 February 1947. This report gives the whole figures.

In the letter of 16 December 1947 of the Chemical Works Buna, it says, and I ask you, please to consider that this is a letter of December, 1947. "Everybody knows here that until the end of the war the medical care provided for foreigners was no different and no worse than that given to German employees."

MR. SPEECHER: Mr. President, we will object to the introduction of a letter from one former I.G. official to Dr. Alt, assistant to Dr. Hoffmann, which is not under oath and a self-serving declaration, certainly, from the point of view of the man making it.

THE PRESIDENT: Well, counsel, look at page 66.

DR. HOFFMANN: This insufficiency in the form arose from the impossibility of sending the document out and getting it back in time, since it takes, normally, two weeks by mail, and I tried to get this letter in the customary form, but in view of the fact that we had to have the document in by a certain date, I thought I ought to hand this letter in.

If the Prosecution believes that they cannot overlook their formal rights, I ask a decision of the Tribunal.

THE PRESIDENT: Very well.

MR. SPRECHER: Mr. President, I have looked at the part of the document you directed our attention to, on page 66.

THE PRESIDENT: You still make your objection?

MR. SPRECHER: Yes.

THE PRESIDENT: Then we will mark Document OA 213 as Ambros Exhibit 61 for identification only, and afford the counsel an opportunity to have it properly verified.

DR. HOFFMANN: Very well.

Q Mr. Ambros, do you know anything about the air raid precautions at Schkopau?

A Yes. I happened to be present, together with Professor Brauch, at the only big air raid on Schkopau. I was in one of the air raid shelter towers together with German prisoners of war, French civilian workers and Italians. Mr. Hoffmann, I know that, because after the end of the raid, I came out and the plant was burning, and there were above all very brave Frenchmen who helped to stop the fire and to see to it that there was no disaster from secondary damage, which is very natural in a Buna plant. That is a personal experience, and I want to emphasize this with gratitude to the men who helped me at the time.

DR. HOFFMANN: I offer now Document OA 214, as Exhibit 62. This is an affidavit of Mrs. Hilde Doerr. In 1944 she went to the sick bay for female foreign workers at the Buna plant at Schkopau for Nephritis. She went there as a German. It seems to me that the final sentence is important:

"The sick bay was under the direction of a Russian female doctor who also attended to me and who was authorized to fix the date for my release after my recovery. The medical personnel consisted of a Russian nurse, who performed her duties extremely conscientiously. My roommate was a young French woman who was already out of bed. Once I was no longer confined to bed, I talked with many female foreigners at the sick bay, and ascertained that nobody was obliged to leave the sick bay before having fully recovered."

Q Mr. Ambros, when was the last time that you went to the Schkopau plant?

A The last time that I was at Schkopau, if I remember correctly, was in February, 1945.

Q Did you know that the witness Frossard was at Schkopau?

A Yes, I did. His father told me in Paris that his son was a member of the Chanté de Jeunesse and was conscripted to work in Germany, - that is, this whole group of labor service for young people was to be sent to Germany, and if I remember correctly I am not as certain about these many impressions as I should be, - his father, or his uncle, there were two Frossard brothers in Paris, gave me a hint that the young Frossard and his friends, the whole group, were being sent to one of my plants.

I know that we talked about him. The young Frossard wanted to become a chemist and he has become one in the meantime, and it was natural that the father wanted the boy not to become a ditch digger, but to prepare for his career, and that was the way in which Frossard came to Schkopau and was put to work in a laboratory there.

Q When was it that his father told you about that labor conscription?

A That was after it had already taken place.

Q What year was that?

A I believe it was '43, wasn't it. Just a minute, it must be here somewhere.

Q If you don't know, just say that you don't know.

A I am not sure, either '43 or '44; - no it must have been '43.

Q In '43, you knew that these people were no longer volunteers?

A Yes. I knew that organizations like the Chantie de Jeunesse were sent to Germany; they came in their green uniform with the Savoyard Caps, they brought their flags with them, and on the 14th of July they raised their flags, and so I knew that this labor service was working in Germany.

Q But didn't you have an inner revulsion against this type of labor service, -- towards countries who had no obligations to Germany?

A Yes Father Frossard told me that he would have preferred to have his son studying at the University now, and I quite understood his feeling.

Q Could you do anything about it, if you were opposed to it?

A No, I couldn't do anything about it. I could only help the Frossard family, and I did. I brought packages from the father to the son; I believe, I delivered letters. I did what good friends do.

Q Now did you have this understanding for the position of the young Frossard only because he was an acquaintance of yours, or did you have the same understanding, the same sympathy with other foreigners who came to Germany on a compulsory basis?

A I had sympathy with all of them. In discussing the Francolor case we will come to this problem again. I helped everyone.

DR. HOFFMANN: Your Honors, I should like to offer documents on the treatment of foreign workers and prisoners of war in Schkopau. I offer Document OA 217, as Exhibit 63. This is an affidavit of a certain Karl Schaeffer, dated 1 July, 1947, about his discussions after the end of hostilities in 1945 with the new French camp commandant, Jean Marie Lecerf, appointed by the Plant 5, and Karl Schaeffer says:

"On this occasion M. Lecerf said to me something to the effect that the housing camp for Buna workers for foreigners had to be described as a model camp".

The last document I believe, from this book, is Document OA 203, as Exhibit 64. This is an affidavit by a certain Leonhard Reinhardt of 15 January, 1948; since the spring of 1946 he had been in charge of the

building department at Schkopau. He described the camps there in detail and the sport and other facilities.

Finally I offer OA 212, as Exhibit 65. It is a circular letter of the Buna plant at Schkopau of 19 October '44, dealing with instructions as to how the air raid shelters in the plant are to be distributed among Germans, foreign workers and prisoners of war, and pictures the attitude of the French, particularly at Schkopau, as given by the affidavit of Dr. Bernhard Jacobi, dated 28 October, 1947. This is OA 215, Exhibit 66. Jacobi was plant leader in the Buna Plant at Schkopau. He gives a report on 4 French people who worked for him. He said:

" I often had private talks with these people. Naturally political controversies could not be bridged over. However, these men, perhaps with the exception of Huesenot, accepted their personal position as workers in Germany as their fate, and they never complained of unnecessary aggravations of the situation, by severity or any possible negligence on the part of the plant or camp management. They often told me of the entertainment they were allowed to organize in the camp according to their own wishes.

Q Mr. Ambros, I should like to ask you something about this affidavit. You just heard what I read. Was this what you could do, and was this your attitude on the fate of the foreign workers and prisoners of war in Germany?

A Yes, that was our attitude and that was what we could do for them.

Q Finally I offer OA-216, Exhibit 67, an affidavit of Dr. Phillip Orth, plant manager of the Buna Werke Schkopau, dated 28 October, 1947, also giving a description of his relationship with the foreign workers and his conclusions.

Mr. Ambros, some final questions. Did you know under what conditions prisoners of war could be employed under the Geneva Convention?

A Yes, I did. I knew that they could not be used for any work directly connected with war, and for this reason, for instance, on my own initiative I removed prisoners of war from the poison gas plant at Dyhernfurt. I knew there was a regulation, introduced by Dr. Schneider as No. 49, expressly permitting the employment of prisoners of war in Buna. This came from the Reich Labor Ministry, because Buna is not a product that has anything to do with war. Otherwise, the Buna plant would not be operating again today.

Q Witness, did you believe you could rely on the lawyers' interpretation of the Geneva Convention?

A Yes, the lawyers showed me this book. There are voluminous books, and they put a piece of paper in it, and explained this sentence to me, explained the context and the connection with war measures.

Q And you believed them?

A Yes, I did believe them.

Q Who was the plant leader in Schkopau after you left?

A From the 1st of May, 1939 on, until the end of 1945 or '46, the plant leader was Dr. Wulff.

Q And to whom did the Schkopau plant belong?

A It belonged to I.G. Farbenindustrie.

Q But you said before, when you were explaining the chart, if I remember correctly, that the Schkopau plant was a firm.

A Yes, it was a G.m.b.H. The stock was owned 100 per cent by I.G. Farbenindustrie, not directly I believe, but part was owned by Launa and part by some other firm of I.G. Farben.

Q And what was your position in this firm?

A I was the Deputy Business Manager.

Q And who was the Business Manager?

A Dr. Tar Meer and Dr. Ilgner were the regular business managers. I and Mr. Dencker, that is the first bookkeeper of I.G. Farbenindustrie, were Deputy Business Managers.

Q Now, how was the work divided among these four men?

A Dr. Tar Meer had this position because he was a "personality" and he carried on negotiations for contracts. Dr. Dencker took charge of the bookkeeping. This changed several times in connection with credits and the entire settlement of contracts with the Reich, and I was in charge of the technical aspect.

Q I have now finished my second document book.

Mr. Ambros, we have been speaking about the Buna plant at Schkopau. You mentioned a second Buna plant: Huels. For what reason was Huels chosen as the site of the second Buna plant?

A The Huels Buna plant was put at the northern part of the Ruhr. Huels is a coal mine on the northern edge of the coal district. The second Buna plant had an eventful history. It was originally to be built in the East, in Fuerstenberg on the Oder. There was a level area directly on the Oder. There was a railway connection. But that was about all. Coal was twenty or thirty kilometers north of there. The mine was almost exhausted. Calcium was near Berlin, but this was poor calcium. And everything else was lacking, and we were not interested in going to the East. The industrial

activities in Germany are in the West, near the Rhine, in the Ruhr. There it is where the big I.G. Farben plants are located. Now, with regard to the second Buna plant, the process planned was the evaluation of the electric light arc, which had been tested in Baton Rouge, Louisiana, in the big pilot plant, on the basis of the refinery gases there. And thus we had a technical argument, in addition to the sentimental factor, for going to the Ruhr, because there were waste gases there from gasoline factories, and from a coke plant. Therefore, for technical reasons, the second Buna plant with the electric light arc was to be put in the Ruhr.

Q Do you recall any other sites which were under consideration at that time?

A Yes. In 1938, '39, '40, and as late as '41, there were about ten sites in Germany and Italy which I had to study. This was a very interesting but very difficult work. Two of these places were on the Elbe. Then in Sudeten Germany. And then on the Weser. There was always a new site coming up for discussion.

Q Was there one in the East then?

A In 1938 there was only Furstenberg on the Oder, as far as the East goes.

Q Now, if you found a site and considered it interesting enough from the chemical viewpoint, could you decide yourself to build a plant there, or who had the authority to make this decision?

A No, I could only make the suggestion, as a technical expert. I could examine the terrain and see whether it was suited for construction and suited from the chemical point of view, and then I reported to the Reich Office for Economic Expansion. That is the G.B. Cham. But even this office could not decide because under the Four Year Plan—that is, Goering—there was an Amtsgruppe for Planning which was above all other agencies, and this Amtsgruppe included the ideas that the Reich had for establishing industries. There were purely geographical ideas, there were national economy ideas in this

connection with power centers. These were big matters which we, as technical men, did not know.

Q Mr. Ambros, we have been speaking about two Buna plants so far. When did the order come to build a third Buna plant?

A The order for the third Buna plant came in 1939, as I recall.

Q Where did this order come from?

A The order came from the Reich Office for Economic Expansion, or the Reich Ministry of Economics, which was above this agency.

Q Did this plan for a third Buna plant have anything to do with the war? That is, in your opinion?

A No. I have already said that the consumption of Buna in Germany in 1938 was far above 100,000 tons. That is, everything above 20,000 tons of Buna; that was the production in 1939 on the basis of this chart on foreign exchange. More Buna production sites were needed. The planning was at that time: Schkopau--40,000 tons; Huels--originally, 12,000, then 24--and then 30,000 tons. That makes 70,000. We were lacking at least 30,000 tons, and these were to be assigned to a third Buna plant. We, on the other hand, as technical experts asked to put these 30,000 on the two plants of Schkopau and Huels, and thus with an expansion of Schkopau from 40- to 60,000 and of Huels from 30- to 40,000, achieved 100,000.

Q If I understood you correctly, Mr. Ambros, the order to build a third Buna plant was achieved by increasing the capacity of the two other Buna plants.

A No, Sir, that was not done.

Q Then, I misunderstood you. Would you explain it again?

A That was not done in 1939. At that time one wished that a third Buna plant be built, which after the beginning of the war, in 1939- I believe it was October, December, became Rattwitz near Breslau, instead of Fuerstenberg. To complete the picture, when Farben declared itself willing to build the third Buna plant near Breslau and the decision was accepted at the end of 1939 or the beginning of 1940, there the Reich came and spoke of the plan of expanding Schkopau and Huels too, because the figure is not 100,000 tons of rubber consumption but 120 to 140,000. That was in 1940.

Q Mr. Ambros, I want a very brief comment on this matter: The thought before the war that either a third Buna plant be built or the capacity of the two existing Buna plants be increased, this project was not carried out?

A No, it was not carried out before the war, but I must make a correction. As I learned here in Wuerzburg, there was a document, the so-called "Four-Year-Plan Bible," which spoke of four Buna plants, but we didn't know about that.

Q After the war, if I may continue, the old plan to build a third Buna plant was taken up again?

A Yes.

Q After the war broke out?

A At the end of 1939.

Q If I tell you that as far as I recall the war began on the 1st of September 1939, was it before or after the outbreak of the war?

A It was in October.

Q Then, it was after the outbreak of the war?

A Yes.

Q In addition to this third Buna plant which was planned, the capacity of the two existing Buna plants was also to be increased after the outbreak of the war?

A That is the point which I quoted this morning. In the Reich contract where I mentioned the spring of 1940 and the expanding of Schkopau to 60,000 tons and Huels at about the same time from 30 to 40,000 tons.

Q Mr. Ambros, who took up the idea of a third Buna plant during the war? Where did this suggestion come from?

A From the Reich Office for Economic Expansion and the Reich Ministry for Economics.

Q When was that, and what was the occasion, in your opinion?

A I believe I recall that it was in October 1939.

Q And what was the reason?

A Well, there just wasn't enough rubber.

Q In this case, in October 1939 could the war have been playing a role? What orders were given for the building of a third Buna plant?

A This was supposed to be done in the East. Orders were given to look for a suitable site in the East.

Q You said before, Mr. Ambros, that you personally did not want to build a plant in the East because industry is in the West in Germany, in general. What reason were you given for the erection of this plant in the East, or did you wonder about it? Can you tell us anything more about that?

A I believe they wanted to spread it out a little. One plant was in Central Germany for soft coal; one plant was in the Ruhr for anthracite, and now when they were planning a third Buna plant the war in Poland was over, and Upper Silesian coal was available; so there was a trend toward this coal. There may also have been considerations of perhaps the danger of air-raids. This opinion changed too often, because at that time there was a saying that there would never be enemy planes in the Ruhr.

Q Did you believe that?

A No.

Q Who participated in the planning of the third Buna plant on the part of Farben?

A This trip to find a site was carried out by Dr. Tor Moer, myself, and the first construction engineer of Farben. We went up the Oder. We convinced the officials that Fuerstenberg on the lower Oder was not a very sensible place because the Oder is a theoretical river: In the winter it's frozen, and in the summer there's no water in it. Consequently, transport on the Oder is very uncertain; and, since in such a plant one does not want to be dependant on the seasons, we went to the Upper Oder ignoring it as a river as a means of transportation, but we wanted to get near the coal. That was the reason why we were looking on the Upper Oder.

Q And on what site did you decide?

A We examined four places on this trip, but we did not find the place that we finally decided on. We found that by studying the map. We found that it was a very level place near Breslau, Southeast of Breslau, a place called Rattwitz.

Q Was this an ideal place for you as a chemist, with respect to the plant to be built?

A No.

Q Why not?

A Coal was over 100 Km. away; calcium was 80 Km. away; salt was 300 Km. away. All these are raw materials that I had to figure on, and also it was an unpleasant thought to build a plant up the river from a big town. That is to say, all the waste would be put into the river in the hope that this city wouldn't notice it.

Q Now, Mr. Ambros, nevertheless, you ignored these disadvantages and suggested Rattwitz as the site for the third Buna plant?

A Yes, because this place had one advantage. It put us near the city of Breslau with all the cultural effects of a university town. Breslau had machine shops and factories; Breslau still seemed to have people; but unfortunately, when we went there four other big firms noticed these

advantages too, and this exhausted the labor market.

Q Now, Mr. Ambros, we've gone a little far afield. I wanted to ask you something else first: Was the construction of the plant at Rattwitz begun at all?

A There was a severe winter in the East. Consequently, we could not begin to build, when we decided in November to go there.

Q What year was that?

A That was November 1939. We had to wait until spring, and that delayed a little in the East too, so that it was March or April before we could actually begin to exploit the building site.

Q Now, how far did this building progress?

A The building went on until the 7th of July 1940. The first foundations were dug, and then came the Armistice of Compeigne. There was a statement in the Reich Ministry of Economics by General Hanneken, that we really didn't need any Buna any more since, in the future, the supply of rubber could be obtained from India. Thus the German Reich was not greatly interested in Buna any more. We accepted this statement and decided off-hand to stop construction, because, in the meantime, there was no more danger in the West, and we could go back to our old plants. That closes the history of the Buna plant Rattwitz; it was closed.

DR. HOFFMANN: Mr. President, I'd like to begin with Auschwitz tomorrow morning.

THE PRESIDENT: All right. The Tribunal will rise until 9:30—
Wait just a moment; someone else has something to say.

DR. HENZE: Dr. Henze for the Defendant Dr. Oster.

I beg your pardon, Mr. President. I ask that my client, Dr. Oster, be excused tomorrow to prepare his case.

THE PRESIDENT: Dr. Oster is excused for tomorrow.

DR. HENZE: Thank you, Your Honor.

THE PRESIDENT: Are there any other announcements? If not, I will correct what I said by saying the Tribunal will be in recess until 9:00 tomorrow morning.

(The Tribunal adjourned at 1645 to resume session 27 February 1948 at 0900)

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Official Transcript of Military Tribunal VI,
Case VI, in the matter of the United States of
America against Karl Krauch, et al, defendants,
sitting at Nuernberg, Germany, on 27 February,
1948, 0900 - 1630, Justice Curtis G. Shake,
presiding.

THE MARSHAL: The Honorable, the Judges of Military
Tribunal VI.

Military Tribunal VI is now in session. God save the
United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Make your report, Mr. Marshal.

THE MARSHAL: May it please Your Honor, the defendants
Hasfliger and Oster are absent from the court room.

THE PRESIDENT: You may continue, Dr. Hoffmann.

OTTO AMBROS - Resumed

DIRECT EXAMINATION - Continued

BY DR. HOFFMANN:

Q Mr. Ambros, we left off yesterday at the Rattwitz
plant. Would you please, quite briefly, explain once more
what brought the construction of this plant about and why
it was stopped?

A I said that the requirement of rubber in Germany in
1938 amounted to approximately 100 to 120 thousand tons.
I also said that the production of Buna had been projected
to an amount of 70 thousand tons so that a deficit of at
least 30 thousand tons existed. When the war had broken out,
the Reich government decided, approximately in October 1939,
to produce this deficit of approximately 30 thousand tons in
a third plant and that third plant was Rattwitz.

Q What happened to Rattwitz? Was the construction
concluded?

A The construction of Rattwitz, which began about in
April of 1940, was stopped on the 7th of July 1940, after the

French campaign had been closed.

Q Did you yourself stop construction of this plant?
Did you get a government order to do it, or how was it done?

A The instruction to stop construction could not be given by us as the private entrepreneur. This regulation had to come, in the final analysis, from the person responsible for all building construction in Germany, and that was Mr. Todt. He had a picture of the strength and the possibilities of the construction industry in Germany and he could determine whether a certain building should be concluded and he also determined, as was the case at Rattwitz, that it should be terminated on the 7th of July 1940.

Q Mr. Ambros, I asked you one time whether you had to report the stoppage of this construction in Rattwitz to other agencies as well. Would you please tell me what was necessary for you to do so stop this construction?

THE PRESIDENT: I am wondering if we are not devoting more time to this subject than it deserves. I may be incorrect, but, as I recall the evidence of the prosecution, their showing with respect to this enterprise was predicated on the theory that the controlling factor was the availability of labor at that point, that that was the determining factor that determined the location of the proposed establishment of this plant - the labor situation. Its accessibility to certain sources of labor. Now, if they went beyond that I just don't recall it for the moment and if that is true, then you could narrow down the interrogation of this witness as it relates to this subject to a comparatively narrow field, Mr. Hoffmann. I suggest that to you to think about.

DR. HOFFMANN: Yes, Mr. President. I should merely like to remark that this plant Rattwitz that I am now discussing

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with Mr. Ambros is not yet the plant that I am going to speak of in a few minutes and that will be Auschwitz. I had the feeling that it was not made quite clear yesterday and that was the reason why I wanted to come back to that point once more.

THE PRESIDENT: All the time that you can conserve in that respect will be for the benefit of all of us.

BY DR. HOFFMANN: Yes, Your Honor.

Q Please tell me once more briefly with how many agencies you negotiated to stop construction on the plant?

A I had to negotiate with twenty agencies that were mostly all local agencies, starting with the Party authorities, through the Gauleiter to the Kreisleiter.

Q How much money had already been invested in the construction of Rattwitz?

A About three million marks had been put into that already and then about another one million in compensations, so that the stoppage that was ordered resulted in a loss of approximately four million marks.

MR. SPEECHER: Mr. President, we listened patiently yesterday to a lot of material that appeared to be getting towards the basis upon which the Auschwitz plant was built. We even attempted to be helpful to find out where we might stipulate to the obvious, but the detail, it seems to us, was so far before and not immediately related at all to the Auschwitz complex so that we found it very difficult to make any stipulation such as you had suggested previously, but the only issue, it seems to us, that arises here is whether or not the Auschwitz concentration camp and the source of labor there involved was a factor, a substantial factor or a controlling factor, and on any one of these bases

it is a relevant topic in this case, and to go.....

THE PRESIDENT: Is the prosecution willing to stipulate that that was the purpose and the only purpose of that part of its testimony? If you would, perhaps defense counsel can take advantage of that and shorten this inquiry very very much. The Tribunal doesn't wish to be understood as suggesting that you stipulate but only as suggesting that you consider stipulating. Where you can, counsel, - where you see that an inquiry is taking a course about which there need be no actual inquiry, don't hesitate to make your stipulation and we will save more time that way.

MR. SPEICHER: We do object to this line because we don't see its relevancy.

THE PRESIDENT: Well, we cannot tell at this time.

Go ahead, Dr. Hoffmann, in the light of what the Tribunal has said and see if you can get something that will be, without any question, competent.

DR. HOFFMANN: Your Honors, from Document Book 3, I want to offer some documents about the circumstances leading to the construction of the Rattwitz plant and to its later stoppage. These are OA 301, Exhibit 68; OA 302, Exhibit 69, OA 303, which will be Exhibit 70.

Q Now, Mr. Ambros, please tell me, after Rattwitz had been stopped, did that conclude the construction of a third Buna plant or was that matter taken up again later?

A No. Three months later, we were again called to Berlin so as to start constructing the third plant now. It seemed contradictory to us that in July a Buna plant should be stopped and in September one is to start construction again, for, in the meantime, we had leveled off the construction site, taken away all the building machines, and thus Rattwitz no

longer existed as a prepared construction site.

Q Mr. Ambros, you said it seemed contradictory to you to start building again after three months and especially in view of sums that had already been expended. Now, I would like to know, did your personal opinion that this thing was contradictory influence, in any way, the new regulation that it was to be started once more?

A No, it had no influence at all. I was a technical man. I had no rank of any kind in the Party or state which might have given me a chance to take influence.

DR. HOFFMANN: Your Honors, first of all, in order to fix the possibilities that were given on a legal basis and which might have any influence on the construction I want to submit Document OA 301, an excerpt from the Reich Legal Gazette. This is OA 304. The next document OA 305, Exhibit 72, will be an excerpt from the Reich Legal Gazette, 1936. This is a second decree for the execution of the Four Year Plan.

THE PRESIDENT: Will your 304 be 71, Doctor? 304 will be 71 and 305, 72, I believe.

DR. HOFFMANN: Yes.

THE PRESIDENT: Thank you.

BY DR. HOFFMANN: The last named document, OA 305, Exhibit 72, contains the penal provisions which were issued for the implementation of the Four Year Plan. It says: "Any violation of the orders and prohibitions contained in such regulations will be punished with imprisonment and fine, the latter to an unlimited extent, or with one or other of those punishments."

Q I now ask you, Mr. Ambros, did you know that this regulation to build another third Buna plant was issued from

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an agency of the Four Year Plan?

A Yes, I knew that. It was an order from the Four Year Plan.

Q. What did you do now to comply with this new demand of the Reich?

A. I discussed these questions with Mr. Ter Meer. He took them up with other gentlemen. I also reported in the Chema, chemical committee, and I began to think of what could be done.

DR. KOPPELMAN: Your Honors, as the first reaction which Ambros had when this new regulation to build the third plant came about, I submit OA 306 as Exhibit 73 on page 15 of the English. This is an excerpt of the minutes of the 77th Meeting of the Chemical Committee held in Frankfurt on Main on 11 November 1940. Of interest there is the fact that Dr. Ambros gives information about the anticipated completion of the individual production stages in the Buna plants at Schkopau and Muels and that he reported about the erection of a third Buna plant in Ludwigshafen and of an additional plant in the east as ordered by the Reich.

Q. Did you receive only oral instructions or did you also receive written orders to construct Buna Plant #3?

A. He received an absolutely clear order by the Reich Ministry of Economics. This order has been submitted by the prosecution in Book 72 as their Exhibit 1406 on page 1 in both books. Mr. Kanneken reports to Mr. Ter Meer that the extension is to be undertaken in two different plants. In Ludwigshafen with 25,000 tons and in the plant in the east to be newly constructed in Silesia also with a capacity of 25,000 tons. The question of the construction site has to be clarified immediately since at the latest in January the final start must be ordered for this.

Q. Mr. Ambros, did this new regulation affect your work? To what extent were you occupied and what had you been doing?

A. Around that time in November 1940 I personally had to take the responsibility for the technical extension of Schkopau and Muels, the construction of the Buna plant at Ludwigshafen, the building of the Montan plants at Gendorf and Dyhernfurth, the planning for the Buna plants at Terni and Ferrare in Italy and, besides that, a number of other chemi-

cal developments. Altogether a value of 900 hundred million dollars. This demand meant a great blow to me with the scarcity of manpower and with all my other work that I had to do.

Q. Mr. Ambros, you have only spoken of yourself up to now. I should now like to know, do you bear the responsibility alone to begin construction or did you have to report to other people as well that a regulation had been issued to build a third Buna plant?

A. The order of a magnitude for such a Buna plant of over 100 million marks, of course, I had to inform the Vorstand -- Mr. Schmits, Mr. Krauph, who was still in the Vorstand at the time, for, as a young Vorstand member, I could not dispose of hundreds of millions.

Q. Did you do it then?

A. Yes.

Q. Why didn't you go back to Rattwitz where you had already started and there you had already put in so many millions?

A. The construction side of Rattwitz had been leveled off in the meantime. There was no more preparations for this Buna plant available. From a technical, economical point of view, Rattwitz was not desirable as I explained yesterday.

Q. Mr. Ambros, hadn't other firms settled down on that place in the meantime?

A. Yes, in the meantime in Breslau and in that vicinity four large enterprises had settled. I only remember Borsig, a large Reich railroad repair plant, and then we also had Krupp. We had Krupp there too. That is to say, many industries had risen around Breslau.

Q. Was that construction site in Rattwitz occupied or was it still free?

A. The little place where I was myself was still free, but at its right and its left other plants were being built and that, of course, took up traffic routes and labor markets and anything else that was needed for construction work.

Q. What part did the Norway project play in this connection?

A. During this time the plan which the Aviation Ministry represented to build this Buna plant in Norway came up. This plan was pushed by Mr. Hoppenberg, the director of Junkers especially, but according to technical, economical calculations I advised against it, for a Buna plant needs coal and Norway has no coal. It seemed irrational to me to put a coal consuming plant in Norway.

Q. But these were your personal ideas. The regulation that you received was to build it in the east.

A. Yes, the regulation read "Build it in the East" as can be seen in the express letter of Mr. Hanneken.

Q. How was this place selected at Auschwitz? Did you travel around the countryside or how did you come to choose this place?

A. I did both. First of all, I began to investigate a lot of documents and maps in the construction office and to study the terrain in Silesia. I had gained some experience gradually since I had already seen plants in Germany, Russia, France and America, so that maps could give me a chance to pick out a construction site.

BY DR. MOFFLIANN: Your Honors, I should like to submit Document CA 307 in connection with Mr. Ambros' statements. That's Exhibit 74. This is the photostatic copy of an original map described as the first map for the choice of the site and the planning of the Buna works. This map is to be found on page 16 of the English document book.

Q. Mr. Ambros, I should like to ask you first, have you this map before you?

A. Yes, that's this reddish-brown copy.

Q. Yes. Is this the map that you used at the time to pick out the construction site, Auschwitz?

A. Yes, that's the copy of an Austrian General Staff map. You know that that area was Austrian territory formerly and the map material could be gotten from Vienna.

Q. Mr. Ambros, explain to me with the aid of this map what you found

desirable on this map as a chemist and technical man?

A. I must say first that a Buna plant needs coal. 1 million tons. A plant needs 15 thousand cubic meters of water an hour. It needs to have a lot of railroad connections. A Buna plant, as I stated in the case of Schkopau, needs a large area, 1 kilometer by 2 kilometers.

Q. Mr. Ambros, show us where you found this on the map?

A. I found on the map a place where three rivers unite - Sola, the little Vistula and the Przemsza. East of Auschwitz, near the place called Dwory, there is a river. The map further shows me that there is a level plain there. You find the numbers written - 259, 251, 246 - on the right and that shows that the plain is relatively level. I found furthermore that the Vistula takes a position designated as 226. There's twenty meters difference in altitude. In other words, that there can be no flood waters there. I found furthermore that there are three railroad lines that converge from the west, from the north and from the east.

Q. Very well, Mr. Ambros, I find also on the map that there is a town Baraky, on the left a word "Baraky". Did you see that there, too?

A. Yes, I did.

Q. What did you do about it?

A. I asked what the word "Baraky" mean and they told me, "These are barracks." and I understood that because I had heard that previously in Austria and a detachment was there. That was the area that became Polish. A detachment Of Polish soldiers was put there.

Q. Had you been in Auschwitz personally when you saw this map?

A. No.

Q. Did you know about the existence of the concentration camp at that time?

A. No.

Q. There is no similar German word that might be translated as "concentration camp" or that might be the equivalent for this word "baraky"?

A. No.

Q. What did you do after you found on the map that Auschwitz was favorable?

A. Then I saw that everything was united there that we needed to build the plant I wanted to ascertain whether my assumption corresponded to reality and I wrote straight to the mayor's office for I thought something, after all, like that existed. I addressed various questions to the mayor.

Q. Did you get any answers to your questions?

A. Yes, during the early days of January 1940 I received a reply which confirmed everything that I had predicted previously.

Q. Mr. Ambros, you said 1940.

A. I beg your pardon. I meant to say 1941. It was 1939, 1940 and 1941.

DR. HOFFMANN: I offer the reply of the mayor of Auschwitz. That

is OA-308, Exhibit 75, on page 17 of the English book. The mayor of Auschwitz writes:

"There is a good and suitable site of the required size for building purposes in the immediate vicinity to the east of Auschwitz. The site is in the direction of Dwory. It is flat and above flood level and also offers favorable rail connections such as are seldom found. A very favorable connection with the "istula is also possible."

Did this letter of the mayor of Auschwitz confirm the favorable impression that you had gained from the map about this terrain?

A. Yes, what the mayor could tell me about the area, the fact that it was level and above flood level and he did confirm to me what was essential for me to have the industrial prerequisites. I didn't need any mayor to tell me that for, from other maps that we shall speak about very shortly, I knew the other aspects in regard to coal, salt and calcium.

Q. I have to interpolate a question here. You took up connection with the mineral oil construction company when you constructed Auschwitz and how did this come about?

A. May I remind you that in Mr. Hanneken's order it was stated that in January the order for starting must be given? We were right in January so I went to Berlin to the agencies that took care of our plants, the Reich Office for Economic Development, to Professor Krauch. I reported to them on the 10th of January.

JUDGE HERBERT: I personally have about reached the limit of endurance on what I consider to be details that do not bear upon the essential issue that we want to get at here. Now, I think that there has been ample evidence to the effect that Farben considered all industrial factors that formally would be considered in locating a plant like Auschwitz. There has been ample proof in the record on that. Isn't there some way that you can get to the direct and essential thing with which we are concerned? Namely, it is this: whether concentration camp labor was a factor at all in the location of the plant. If it was a factor, was it a predominant factor or was it entirely out of the picture whether this defendant or anybody

in Farben knew about the availability of concentration camp labor and considered that as a factor in locating the plant.

Now, all the details as to what maps were looked at in picking out the site, the various conferences as to why the site was picked out and all of the details of that seems to me to be just burdening this record with details that just take us so far from the major issue with which we are concerned insofar as Auschwitz is concerned that it is just a burden.

Now, if I am wrong in that I would like to be enlightened but, frankly, I think we are just encumbering this record with a great deal of detail that we do not have to have to get to those essential facts.

DR. HOFFMAN: Judge Herbert, may I remark the following very briefly? In the preparation of Auschwitz I consider as two important aspects the following and I believe you may agree with me.

First of all, Auschwitz was built because of the concentration camp and, second, what were the relations of the concentration camp Auschwitz to the plant Auschwitz.

But the question as to whether the plant Auschwitz was built because of the concentration camp Auschwitz seems to be a very important factor in the defense of Mr. Ambros. Mr. Ambros says that "the concentration camp Auschwitz played no role for me" and, in order to prove that, I submitted a number of details. I collected all these detailed documents and wanted to present them to you in chronological order.

From my point of view it seems not to be sufficient for a defense counsel to have Ambros merely state: "The concentration camp Auschwitz played no part in the desirability of Auschwitz." That seems to be too little for me. That is the reason why I offer these details, the maps, how Ambros selected Auschwitz in order to supply this proof.

JUDGE HERBERT: Perhaps, we take more time discussing this than would be consumed by your questions, though I doubt the latter. The fact is you have a lot of documentary evidence here bearing upon the factors which were connected with the selection of this site. Now, I was just expressing my

personal view, that you are going into much more detail than is necessary to elaborate upon the evidence in the record but, of course, I will leave the matter to your own good judgment in the light of the observations which I made.

THE PRESIDENT: Dr. Hoffmann, permit me to offer a suggestion in between. If Dr. Ambros wishes to say that other factors -- locations, natural resources, transportation and so forth -- were the determining factors in favor of this location, that concentration camp labor had no part in it, now why don't you just say that? Let him testify to that as a positive fact and then you say to the Tribunal, "Now, we will buttress that by a number of documents that will show in detail the factors that did determine it," and mark it and forget it? He will have to study them anyway and if they will corroborate Dr. Ambros we can be over that point in a very, very few minutes. He is entitled to say what factors did determine and what factors did not determine the location, as a defendant he is entitled to say this in this tribunal, but we doubt whether you would be justified in going into all the evidentiary matters that would substantiate his conclusions since it is documentary. Let him testify as to the ultimates as emphatically as he wishes; then you introduce formally the documents that will substantiate his theory and your theory and we are over the bridge as far as this point is concerned.

JUDGE HERBERT: I might point out that Dr. Ambros covered a great deal of this and he pointed out in detail the industrial factors that were considered in the selection of the site Auschwitz.

Q. Now, Mr. Ambros, I will ask you once more quite clearly, was the presence of the concentration camp decisive for you or was it contributing factor when you chose Auschwitz?

A. No.

DR. HOFFMANN: Your Honors, I now present a further corroborative document, OA-359, Exhibit 76; that is on page 20 of the document book. It says:

"On the instructions of the Reich Office for Economic Development, Berlin, and the Supreme Command of the Wehrmacht, we are to examine the possibility of setting up a new industrial plant for large scale chemical production in the Auschwitz area."

The next document connected therewith is Document OA-1310 which will become Exhibit 77, on page 23 of the English document book. This is an affidavit by Camill Santo of the 3rd of January 1948. It is a file note about the telephone conversation between Santo and Faust who reports on his part about the construction site Auschwitz.

I present further Document OA-311, Exhibit No. 78. That is on page 26 of the document book. Your Honors, that map is shown on the wall -- the chart. It shows the sources of the most important raw materials necessary for the later production of the Auschwitz plant.

The next document in this respect will be --

THE PRESIDENT: Doctor, we certainly do not want to unduly restrict you. If you wish Dr. Ambrose point out the sources of raw supplies that were controlling as evidenced by this map, you are entitled to it since a map is not the most intelligent thing to laymen and the only thing is, we do not think there is any necessity of going over in detail the same matter that will appear in the document books. So far as the oral testimony, he is entitled to give the conclusion and the ultimate and he is entitled to buttress it and I think it would be entirely proper insofar as a map is concerned if he wants to make some explanation because otherwise it might not mean a whole lot to us.

Q If you have anything to say in regard to this map and want to give a short explanation. --

A This map gives all the reasons why I chose Auschwitz as the site for the plant; namely, in Auschwitz there is a lot of water because of the confluence of three waters. In Auschwitz there is a railroad center because four railroad lines converge there. A canal is to be built connecting the Oder with the Wistula in Auschwitz. North of Auschwitz an autobahn is to be laid. Then that means that we have a favorable traffic locality. Auschwitz is on the southern border of the Upper Silesian coal fields. Only in two places do water and coal come together in Upper Silesia. That is near Heydebreck-Blechhammer in the West — that was occupied already — and the only other place where water and coal come together again is Auschwitz. There were coke plants near the coal and where these plants are low temperature distillation gases are produced; where there is coal there is electric current produced; and then Nature has also endowed this place with two more things that we needed — lime, at the upper righthand point of the map in Kressendorf, only 30 kilometers away, and a very rare piece of luck was the fact we had salt at a distance of only 60 kilometers, the famous salt mines of Wielicka. This meant that everything that a chemist could dream of for a new plant was given in the place of Auschwitz.

Q Mr. Ambros, did you inform the plenipotentiary general for chemical production about the choice of this Auschwitz site?

A Yes.

Q Did any other conference take place within Farben about formally making Auschwitz the construction site and where was it undertaken?

A It was already stated here that the technical decisions had to be made on a technical plane. For this purpose there were technical committees and commissions in Farben and these commissions for the border plant Buna was the Commission K; that is the rubber and plastics commission. On the 30th of January this commission was convoked. Thirty gentlemen met, amongst whom was the head of the Sparte, and they discussed this question. One of my associates reported everything. Amongst

these things was also this particular factor and, therefore, the technical commission approved of the choice of this site and passed on their decision to the next higher board, the TEA, the Technical Committee.

Q Mr. Ambros, you mentioned the meeting of the 30th of January 1941 and you said that was the decisive meeting of the Commission K, the Rubber Committee. Was there anything said about the concentration camp in this meeting or the possibility of using inmates?

A No, not a word.

DR. HOFFMANN: Your Honors, Document OA-312 will be Exhibit 79. This is an excerpt from the minutes of the fifth meeting of the K Plastics Committee held on the 30th of January 1941. This is the decisive meeting and I believe the document speaks for itself so that I do not have to read it in detail.

In connection with this same subject, especially about this committee meeting, I offer the following affidavits: Document OA-313, Exhibit No. 80; OA-314, Exhibit No. 81; OA-315, Exhibit 82; OA-316, Exhibit 83; and OA-317, Exhibit 84. These affidavits that I have just named are affidavits of participants in the meeting of the Commission K. The affiants make statements as to whether or not anything was discussed about concentration camps during that meeting.

Q Did you yourself visit the projected construction site?

A After this committee meeting I myself, in the company of decisive and important associates, went to Auschwitz on the 1st of February 1941.

Q What did you see there? What impression did you get there?

A I found everything confirmed on the construction site that I had expected on the basis of the study of the map.

Q During this visit did you visit the concentration camp Auschwitz?

A No.

Q Around that time you talked to the Regierungspraesident at the

time or the superior president and did you during this conversation talk about concentration camps or its inmates?

A No, we did not discuss it. I went to see the Regierungspraesident and I asked him once more: "What other suitable construction sites do you have?" and he always recommended me this Auschwitz construction site as the best.

Q Mr. Ambros, the Prosecution presented Exhibit 1412, a report of Santo of the 10th of February. Did you hear or see anything of this report at that time?

A Dr. Hoffmann, I can't tell you that. I found 50 letters a day on my desk. I saw this report here and I noticed that it bears the designation "draft" at the top. It was written on the 10th of February. I would almost assume that this draft was never sent out because on the 13th of February my chemical associate, Dr. Eisfeli, made a comprehensive report about the entire trip. That has also been introduced in this book. In other words, I really can't tell you whether this remark that Mr. Santo made here about the concentration camp -- whether I read that at the time or not. I do not know.

Q Mr. Ambros, one needs workers, after all, for every plant. How did you figure that you could solve this question of manpower?

A The provincial planner, the "Landesplaner," his agency was dealing specifically with such questions, showed me a map showing the density of the population and he emphasized that this area was one of the most densely populated and that Auschwitz, in particular, situated on the southern fringe of the industrial territory, was ideal because there were men and women there who were working partly in industry and also were doing part time farming work. Sociologically, the most ideal condition is to find workers who also have a small plot of ground.

Q Mr. Ambros, if I understood you correctly, from the population you could gain enough free workers?

A Yes, I may add this. In the west on the Rhi ne we drafted Upper Silesians and Poles that had been drafted for work and I seemed to make the proper conclusion. I said, "Why should these people be transferred to the West? They can stay at home and work in the new plant."

Q Apart from this idea that you had, to call back labor drafted to work in the East, did you also think of the indigenous population?

A Yes, I was told that there were 7,000 Poles in Auschwitz -- 5,000 Jews. I was also told that it was intended to evacuate these people and I considered that irrational.

DR. HOFFMAN: Your Honors, to corroborate the efforts of Mr. Ambros to receive workers from the indigenous population, I submit Documents OA-320, Exhibit 85; OA-321, Exhibit 86, from Document OA-320. It seems particularly important for me that the then Oberpraesident of Upper Silesia, Bracht, wrote to Otto Ambros on the 6th of March 1941:

"In my capacity as Commissioner for the Consolidation of Germanien, I have decided, in the meantime, that Poles living in Auschwitz and its vicinity, who might be considered as potential manpower for the Buna works, will not, for the time being, be evacuated in the course of our present resettlement program. This precaution will, I think, ensure that sufficient Polish workers will be available, especially for the period during which the works themselves are being built."

Document OA 321 is some correspondence between Santo and a certain Mr. Hiepke, and it is stated Farben has agreed with the Auschwitz mayor and that from the local shops or pools there are people suitable for the work of surveying that are supposed to be available.

Q. Therefore, I ask once more, Dr. Ambros, if there are various necessities in building a plant, did you then believe that on the basis of the indigenous personnel that was made available you could carry out the necessary construction work?

A. Yes, Mr. Hoffman I was convinced of that.

Q. Dr. Ambros, but it came quite definitely, can you describe to us how you were informed that concentration camp inmates were to be used, how this decree came to you and what you had to say to it?

A. I learned of this arrangement from the letter which the Prosecution has presented, the letter of Dr. Wirth, Exhibit No. 1422 in Book No. 72, page 113 of the German. I am sorry I don't know the English.

Q. It is not important, Dr. Ambros.

A. Through this letter of the 4th March 1941 it stated "Upon the instruction of Mr. Reichsmarschall the Reichsfuehrer SS has decree on the 26 of February the following", and then follow the four directives that have been presented by the Prosecution.

Q. Dr. Ambros, did you do anything in furthering the issuance of this decree?

A. No.

Q. Were you at Goering's office around this time, the director of the 4-Year Plan?

A. I never talked to Goering as long as I lived.

Q. Did you speak to the General of the Waffen-SS, Wolff, at any time, did you have anything to do with him?

A. I saw Mr. Wolff for the first time in the prison. I noticed him because he was wearing uniform.

Q. Did you talk to Himmler at all around that time?

A. No, I am not a friend of Himmler.

Q. Mr. Ambros, how did it come about that this letter or Wirth was directed to you?

A. Because I had opened up the terrain of the construction site. Because I had done all this preparatory work, and because as you have shown by the document at hand, I caused the geodetic survey to be made.

Q. What did you do with this letter of Wirth?

A. I had copies made and informed all interested parties that had anything to do with the construction project in Auschwitz.

Q. After this decree had been issued how were the workers for Auschwitz hired, how were they engaged, what do you know about that?

A. The hiring and the making available of workers was the task of the mayor's office in the case of Auschwitz, just as in the case of any other German construction work. The demands had been turned into the mayor's office, and at the same time to that efficiency it was in charge of us chemically, the Reich Office for Chemical Development, but the allocation of the man-power was the task of the labor office, the provisional labor office, an agency of the Reich Ministry of Labor.

Q. Did you have to write to the Plenipotentiary for the 4-Year Plan about the project of the construction of Auschwitz?

A. Not I, but the construction management.

Q. Did the construction management also specify how many workers they would need and during what period of time they would need them?

A. This same estimate had to be given in the so-called Todt letter, that is to say those agencies which were responsible for the construction at the head, Mr. Todt, and those subordinate to him, all the agencies that changed designations at various times.

DR. HOFFMANN: Your Honor, to corroborate and to prove how the allocation of man-power was undertaken at the time, I submit OA 322, which will be Exhibit No. 87. This is on page 54 of the English document. This is a letter from the Plenipotentiary General for special questions relating to chemistry production about the man-power allocation for the Auschwitz Buna project. The Plenipotentiary offered 2000 or more men from March

1941, and requested information on the number of men required for the entire period during which building will be in progress.

The next document OA 323, Exhibit No. 88, is the reply letter to the Reich Office for Economic Development dated March 18, 1941. The labor requirements for the Auschwitz Buna project is divided into six building phases.

Q. And now, I ask you, Dr. Labros, according to your recollection who determined what type of workers you could get, whether you could get free German workers, foreign workers, Prisoners of war or concentration camp inmates?

A. The labor office.

Q. Did you at a later time visit Auschwitz concentration camp and if so when?

A. I was in the concentration camp Auschwitz for the first time during early April 1941.

Q. For what reason did you go to concentration camp Auschwitz in April 1941?

A. I was on the construction side, the construction engineer, Dr. Faust, told me that various questions were discussed with the concentration camp.

Q. What kind of problems were these?

A. First, the execution of the order of that letter of 4th March 1941. Furthermore, we needed gravel and the gravel was available in the Sola River.

Q. What other reasons were determining for you to go to the Auschwitz concentration camp?

A. The management told me that in this concentration camp there were large work shops, carpenter shops, and that it would be possible to have cabinets, chairs, tables, and other equipment made there just as was done for other firms.

Q. You say other firms, do you mean firms that worked in this construction site in Auschwitz, or what firms do you mean?

A. I wasn't quite clear. I meant other enterprises in the mining field and the industry which were situated in upper Silesia.

Q. Dr. Ambros, I shall now ask you, did other firms already work in this construction site, -- what was the picture there, can you say anything about that?

A. You are now speaking about my construction site?

Q. Yes, the construction site in Auschwitz?

A. Yes, we began around that time the leveling off of roads, laying of road tracks. In building the first barracks, this work was done by outside firms for Farben is only a chemical enterprise and is not a construction firm, and if Farben has to build anything it has to rely on outside firms and outside contractors.

Q. Very well. I now have another point; so far I have understood you to say that you build the Plant Auschwitz, just as other plants, that you had a staff of people; would you undertake the building project yourself?

A. No, I am a chemist.

Q. Who did that work.

A. The construction work was directed by the Chief Engineer Santo, the first construction engineer of Farben, with a staff of 50 construction engineers. Then we had all other sorts of engineers.

Q. I want to know the reason for your visit to Auschwitz; in April 1941, is that right?

A. Yes.

Q. First you said you received a letter from Wirth and that that was a cause for you to visit the concentration camp; on that occasion did you want to inform yourself what a concentration camp really was and what concentration camp inmates were, or did you know that already before?

A. This was the first concentration camp that I saw in my life. I had no clear conceptions of a concentration camp, and the particular knowledge of Concentration Camp Auschwitz, that had been described to me by my associates with all its work shops and agricultural equipment.

Q. Mr. Ambros, what impression did you get from this concentration camp?

A. That is very difficult to say. I talked to some inmates. They gave me reports that didn't give me any sort of a picture. These people had either been instructed not to say anything, or they didn't have any reason to say anything. In retrospect today I was shown a facade, that is what I must assume today is that I fell for this facade.

Q. Mr. Ambros, I shall revert to this point very shortly. Now, I should like to find out from you, you wanted to take care of delivery of equipment such as chairs, tables and closets; were you conducted around in any other buildings for that reason, and if so what did you see?

A. I was shown work shops where I met technical workers. I met artisans who carved candle sticks from wood, who made other art objects from wood and iron.

Q. Mr. Ambros, can you remember what nationality these inmates had, were they Germans, "yes" or "no?"

A. Yes, they were Germans.

Q. Were they Jews that you saw?

A. The only people that I spoke to were not Jews, not any one of them.

Q. Mr. Ambros, the prosecution presented a letter that you wrote to Dr. Ter Meer; in this letter you state something about your visit to the concentration camp; was this letter of yours to Dr. Ter Meer written after the visit you have just described?

A. Yes.

Q. In this letter you say something about a new friendship with the SS and you make further statements, favorable statements about certain institutions. First of all I want to know why did you make such favorable approving statements about such institutions as the work shops, etc?

A. I must describe the impression I had briefly. I was conducted around the camp. I saw the stone barracks that were neatly constructed. I saw the kitchen, the work shops and the stables. The conducting officer told me that there were approximately 6,000 human beings there and many of them were criminals, some of them convicts, and he told me that their imprisonment is filled up with work, and that inmates of the concentration camp with good conduct are set free after they prove themselves. This system of making convicts work should also include occupation

of these people on the construction site of Auschwitz, and he told me that they had very good tradesmen and craftsmen, and I saw these people and he said they had people who were familiar with all types of work required on the construction site. The atmosphere as if it was potiem-kia facade.

Q. I want to ask you how can you explain your impression, how can you reconcile those impressions with these other impressions you had?

A. I want to say it was a facade. I saw, I couldn't look behind the scenes.

Q. You also say something in this letter about the new friendship with the SS; I have already said something about that before; what have you to say in regard to that?

A. When I was there I didn't think that I would ever have to stand up for the sentence that I spoke then. It is one of many statements I made during my correspondence with Dr. Ter Meer impulsively written, as is my nature, between two trips, without caring much about its formulation. This expression "Friendly relationship" was just thrown down on paper without evaluating it as what is ordinarily evidenced by friendship.

Q. Was your expression "new friendship" at that time the expression of a certain relationship with Nazism at the time?

A. Mr. Hoffmann, the fact alone that what I might say now might be considered an excuse prevents me from saying that I felt a certain irony when I wrote this. It wasn't really friendship and it did not grow into friendship.

Q. Did you visit the concentration camp Auschwitz at a later time?

A. Yes.

Q. When?

A. The second visit took place in October, as described by Dr. Ter Meer. It was again in the late evening, just as was the first but it was very brief.

Q. When did you visit Auschwitz once more thereafter?

A. In the winter of 1941. I think all these visits took place in 1941, and then I never visited it again. In 1931 this last visit may have been before or after Christmas. I don't know, but there was snow on the ground.

Q. You never again went to Auschwitz after that?

A. No, never again after this third visit.

Q. During your visit in 1941, did you notice anything peculiar about a crematorium?

A. I saw a small crematorium which was at the entrance, but it was not operating and I was told if anyone of these 6,000 human beings should die he will be cremated there. That was all.

Q. Dr. Lombros, how many times were you on the construction site in Auschwitz altogether?

A. I can say approximately four times every year. It may be that in 1941 I was there five times, but as far as I remember I was actually four times in Auschwitz.

Q. How long did you stay when you were in Auschwitz?

A. That differed. First it sometimes lasted one day, and others two. I think two days was the most. I used to stay there overnight—one time.

Q. Where did you live when you stayed over night in Auschwitz?

A. There was no hotel in Auschwitz. I lived together with my associates in a certain home.

Q. Where was this home situated?

A. On the northern fringe of Auschwitz near the Vistula. In the North of Auschwitz.

Q. How far was the place, do you know, from the Monowitz Camp?

A. Perhaps three kilometers, three kilometers from Gross. You have to differentiate between the concentration Camp Auschwitz and the

concentration camp Monowitz; you said Monowitz, didn't you?

Q. Yes.

A. Then it was three kilometers away.

DR. HOFFMANN: Your Honor, from Document Book III, I should like to present just a few documents which deal with the question as to whether or not Auschwitz was built with consideration to the concentration camp. There is Document OA 325 for one. That is Exhibit No. 89 on page 60 of the English Document Book. These are the data submitted in support of application for the building permit for the Buna Plant Auschwitz, dated 15 May 1941, compiled at the time, and the following is stated about the site: "The following factors were decisive in the choice of the site:" and then the four points are listed. The entire application does not contain anything whatever about the fact that the concentration camp Auschwitz might have been decisive for this choice.

THE PRESIDENT: If you are through with respect to that document we will take our recess.

(Thereupon the morning recess was taken).

(AFTER RECESS)

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION (continued)

DR. OTTO AMBROS

BY DR. HOFFMANN:

Your Honors, before I continue with the witness, could I comment briefly on the Prosecution's motion which was made yesterday. In the last paragraph of this motion, I find that the Prosecution asks that they receive weekly reports because they consider them necessary for the cross-examination of Ambros. I have not seen these weekly reports and they have not been in my possession, but as Ambros' counsel, and in agreement with the defendant Ambros, I have no reason not to present these weekly reports.

In agreement with the defendant, I agree to the submission of these weekly reports. I believe that we want to discover the truth, and therefore that everything should be presented as it was, but I believe that this motion brings up some other basic questions, and for that reason I thought that the Defense, as a whole, would take some stand in respect to this matter. This has not been done as yet.

THE PRESIDENT: Dr. Hoffmann, are you speaking with reference to the motion that was filed yesterday by the Prosecution? Let me suggest to you that in order to save our courtroom trial time, would you mind consulting with the Prosecution first if you have not already done so perhaps, and then see us in Chambers. Of course, whatever decision we make with reference to the motion will be made on the record and in the courtroom, but we perhaps can conserve some time by hearing you in chambers, if you have anything to say to us on that subject. We would prefer to do that. We are not going to consume the time of the Tribunal from now on to the end of this trial with reference to matters that do not pertain strictly to the trial where we can handle them in chambers up to the point of making our orders, - if you understand what I mean.

MR. SPEECHER: Yes, Mr. President, but in order to do that, I

think Dr. Hoffmann was presenting some points which will require some more direction from your Honors from the Bench than merely saying that Dr. Hoffman and the Prosecution should get together.

THE PRESIDENT: What I mean to say is, Dr. Hoffman can tell us that, and you can be present in Chambers, and then whatever order we make we will make on the record of course, here in the courtroom.

MR. SPEECHER: Mr. President, Dr. Hoffman and the Prosecution have had very friendly discussions about this matter. The difficulty is that a number of other defense counsel have control over the principle documents in question, and we did ask for relief which we did not think was unreasonable, - 24 hours within which the Defense could present the Auschwitz report. More than 24 hours have elapsed and nothing has happened, and we are not in contact with the other Defense counsel.

THE PRESIDENT: Here is the idea of the Tribunal. We recognize the 24-hour rule calculated to expedite matters. We are not unmindful of the fact that Dr. Hoffman has been on his feet in trial here practically since that motion was filed. We are not disposed to want to penalize him. However, we are not wanting to deprive the Prosecution of any rights that it has. If you gentlemen will be in chambers, you and any other Defense counsel that wish to be heard, at one o'clock, we can talk the matter over and then we will conserve our time, so far as the Courtroom trial is concerned.

MR. SPEECHER: Mr. President, could you request that Defense counsel for several of the other defendants be present, including particularly Dr. Seidl for Duerrfeld and Dr. Flaschner for Zetefisch?

THE PRESIDENT: Any Defense counsel interested in the subject we will be glad to see. We are simply trying to avoid the necessity of consuming valuable time during the trial hours in a discussion of this matter. Whatever official action the Tribunal is called upon to take, whatever orders that will be entered, will be made on the record, but we can talk to you informally and conserve a lot of time, and any representative of the Prosecution or the Defense who wants to present

their view to us with respect to this matter can come in at one o'clock today, in the counsel room.

BY DR. HOFFMAN:

Q What does the word "priority" mean, Dr. Ambros?

DR. SEIDL (counsel for the defendant Dr. Duerrfeld): I just understood that certain Defense counsel are to call on the members of the Tribunal during the noon recess and the Prosecutor mentioned my name. I should like to ask the Tribunal whether it would not be possible to have this Conference in Chambers during the recess in the afternoon, because it is difficult for us at one o'clock since we have to go so far to eat lunch.

THE PRESIDENT: Very well. We will change that until the three o'clock recess, but gentlemen, get the matter organized so that you can present your views within the 15-minute recess that we have available and we will hear you at three o'clock instead of at one o'clock.

Let me say now further with respect to matters of this kind, that when you have any matters of a general nature that you want to discuss, that does not pertain to the trial of the Court proper, please speak to one of the members of the Court about it in advance. In the sum total, over the weeks, we have consumed quite a bit of time in discussions here in the courtroom that might perhaps have been avoided if we had understood ourselves and known what was in your minds in advance.

Now if you have any matters aside from the progress of this trial proper, that you wish to call to our attention, speak to one of the Judges about it, and we will arrange a time to hear you, either in Chambers, or in the Courtroom, so as to conserve the trial time of this case. That is going to be our policy from now on, gentlemen, until this case is concluded. Any of you who have any matters that is not directly connected with the operation of the trial, that you wish to have considered by the Tribunal, speak to us in advance - any one of us. We will arrange to hear you either formally or informally as the circumstances require.

BY DR. HOFFMAN:

Q Mr. Ambros, I was asking you about priorities. What does the word mean?

A In Germany, from 1938 on, it was practically impossible to building anything without official commission which was required to obtain building materials. Every piece of iron or wood or cement, every worker, all that was under the control, it was rationed. If one wanted to buy 1000 spoons one needed a certificate of priority, in order to prove that there was the necessity for the Reich, for only such a certificate could the manufacturer request raw materials, and defend the workers against measures such as, for example, labor conscription which would have taken away his people. The certificate of priority is, therefore, the certificate required to accomplish anything at all in Germany from 1938 on.

Q Did the Auschwitz plant have such a priority and if so, what was it?

A From the beginning the Auschwitz plant had the highest priority. That was No. 0. It went like this: 0, 1, 2, 3, - I believe there was even a 4, and Auschwitz was the very highest priority.

DR. HOFFMANN: Your Honors, from Document Book No. 3 I should like to offer the last documents now. Document OA, 318, will be Exhibit 90; OA 319 will be Exhibit 91; OA 324 will be Exhibit 92; OA 326 will be Exhibit 93. I believe that I have now offered all of the documents in Book 3.

Mr. Ambros, how was the whole plant planned?

I offer Exhibit 9 once more. This is in Book 4, OA-401. This is the map of the Auschwitz plant as it was planned.

Mr. Ambros, with the aid of the various colors, will you please explain what was to be produced?

A. The legend to this map at the right, at the top, is divided into five colors: Blue means all the buildings which have anything to do with Buna production; that is in the right, or eastern, part of the plant. Green refers to all structures having to do with the so-called synthesis, that is the part devoted to the production of cynol, methanol, iso-octane, so-called Luma, a part which Mr. Buotofisch will explain, I am sure. Red refers to the general buildings; that is, the power plant, the storerooms, the workshops. Yellow refers to the social facilities:

First of all, ten camps housing 30,000 employees; the places where these people slept, the washrooms, the kitchens, the dispensary, and so forth.

I should like to call your attention to just one thing. At the left the Polish settlement is also in yellow. That means for the Free Polish population that was not evacuated because of our intervention. The plant built houses for them, especially in connection with measures of the plant, for instance, when certain homes had to be evacuated because of the building of the plant.

Q. Mr. Ambros, I want to ask you something about this map. As the plant is shown here, was it furnished, or was anything lacking?

A. This map shows the situation at the end of 1944, in contrast to the map which we saw here for a long time. That was a plan for the future. The situation that might have been achieved in thirty or forty years. This is what actually existed.

Q. Mr. Ambros, I cannot see from this map to what extent the individual buildings were already in operation or were still under construction. Could you tell us about this very briefly?

A. That is right. Of the whole Auschwitz plant at the end of 1944, only the methanol factory in the green part was in operation, and as far as Buna goes it was only the carbide factory and the aldehyde factory in the north of the plant. The buna plant proper was not finished. Not one gram of Buna was ever produced in Auschwitz.

Q. Now, Mr. Ambros, as far as you know, in the parts of Auschwitz that were finished, were concentration camp inmates employed?

A. As far as I remember, hardly. There may have been some in individual laboratories, the chemists who were prisoners. As far as Buna goes, I do not know of any inmates that were employed there. They were only in the construction and assembly work.

I forgot something. You asked me to explain the colors. The dark blue was the Montan plants, in the east; that is a Reich-owned plant on the terrain of the Buna plant. But this was never put into operation. In the middle of 1944 it was stopped to a large extent since it was no longer possible to build it.

Q. Mr. Ambros, yesterday when we were discussing Schkopau we spoke about how such a plant is built. In my opinion the building of a plant includes either owning or acquiring the site on which it is to be built. When you wanted to begin to build at Auschwitz, what happened to the owner of the property?

A. As everywhere--Schkopau, Muelz--we had the intention of buying the property from the owners, but in Upper Silesia, in eastern Upper Silesia, there was a different situation. The State had different provisions. As we learned later, all the land had been seized by law for the Reich. The Reich had set up an administrative agency.

Q. Did you now approach this office, this land office?

A. When the authorities told us after we had said that we wanted to buy the land, "You have to go to the land office," then the construction engineer responsible went to this land office, which, as far as I remember, was in Kattowitz.

Q. Mr. Ambros, do you know what happened to this property later? Was it bought? Was the price paid? Please tell us about that.

A. It was very difficult to do as we wished, that is, to buy the property quickly, because all the official maps had been thrown into the Vistula by the Poles before they left, so we had no records about the property, the ownership conditions. Nevertheless, we tried to get these maps, and in answer to your question, yes, it was paid for. It was four and a half million marks.

Q. Who was "the other side," Mr. Ambros?

A. The other side was this land office, the authorities.

Q. Mr. Ambros, in my efforts to clarify matters here I don't want to ask you too much. Were you informed about the details of these proceedings, or not?

A. Mr. Hoffmann, this was not my task as a chemist to buy the property. We had specialists for that purpose within Farben. We had agricultural experts, construction experts; and in order to get into that position we had the legal department.

Q. But in general outline you know of things as you have described them here?

A. In general outline, that it was negotiated, that it was bought and paid for in a regular, orderly way.

Q. Mr. Ambros, this question brings me to another one. Did you do everything yourself in Auschwitz, or did you use other people? What happened when the construction site was supposed to start work?

A. I believe I explained repeatedly what my field of work was, and I believe I made it quite clear that I am a chemist. It is impossible for me to function at a construction site. Therefore, after the first visits and after studying the situation, I created the organization with the agreement of the other authorities within Farben. First of all, there was a construction engineer—that was Mr. Murr, who went to Auschwitz. As you asked me this morning, there were only outside firms working in Auschwitz, outside contractors. Consequently there were only very few Farben people there who were representatives on the spot. We saw to it that the technical aspect of Auschwitz was in order. That is to say that

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the correct procedures were followed with this assignment, that nothing was built that would fall down later; Mr. Murr took care of that. When the work became a little greater we again appointed a construction engineer, a Mr. Faust. Then assembly began in the second half of 1942, Mr. Duerrfeld came, a machine engineer, and he in turn was aided by two chemists, Mr. Bisfeld for Buna and Dr. Braus for Louna. The latter were directors after 1944.

Q. Mr. Ambros, what was your position with respect to these gentlemen you have just mentioned?

A. Well, I was superior to them, of course; I was the representative of the Vorstand. Of course I couldn't interfere with technical matters because that was not my profession.

Q. Now, a very tangible question. Who, for instance, made the application to the Labor Office to get the workers that were necessary?

A. In the beginning that was Mr. Murr; then it was Mr. Braus, and about that time there was a Social Welfare Department set up. From that time on it was the head of that department.

I believe that is mentioned in some document; I am not sure.

Q. Mr. Ambros, were you informed about the details of the commitment of workers?

A. No, not the details.

Q. Specifically, do you know how many concentration camp inmates were requested instead of Free workers, or didn't you know that?

A. No, I was not kept currently informed about such things.

Q. Did you know anything about the efforts of the gentleman working right at the construction site to get Free workers or foreign workers instead of concentration camp inmates? Was any application made to you to that effect?

Q. Yes, and I want to emphasize this particularly. Yes, I did know that these gentlemen endeavored first of all to get Free workers: Germans or local Poles.

Q. Your Honors, the first document which I should like to offer from Document Book 4-A is Document OA-411, as Exhibit 94. This is a letter from Farben to the Plenipotentiary of the Four Year Plan, dated 11 August, 1941.

In this letter the requirements of labor for the Auschwitz building site for the year 1942 are set at 9,000 men. This letter states specifically: "These 9,000 men will include 1,000 inmates of concen-

tration camps."

Mr. Ambros, can you answer the following question? When it says there that the requirements for 1942 for Auschwitz will be 9,000 men is this the total requirement estimated in August, '41, for the year 1942? Yes, or no.

A. Yes, that is an estimate resulting from the technical dispositions which indicate that it was hoped that 9,000 men would be enough for the construction and in addition these 2,000 men were assembly workers because it was no doubt expected that in the middle of 1942 assembly would begin.

Q. Was the use of 1,000 concentration camp inmates included in these 9,000 men the deficit, that is, did it mean that one cannot get the total of 9,000 Free workers or foreign workers?

A. Yes, that is correctly explained. The intention was always to get, first of all, Free workers, Free foreign workers, or prisoners of war, conscripted foreigners, and the last choice was always concentration camp inmates. Only because we knew that there would not be enough, that we would not get the others, from talks with the Labor Office, did we arrive at this final figure, saying that perhaps ten per cent of the total will have to be covered by concentration camp inmates.

Q. Your Honors, in regard to the constant applications of the construction people to the Labor Offices for Free workers, I should like to offer a few documents. First of all, OA-413, Exhibit No. 95, on page 31 of the document book. This is a report of a conference on the 1st of November, 1941. This is a conference with the head of the Labor Office at Bielitz on the 31st of October, 1941, about labor.

It says:

"Herr Gransalke took advantage of this opportunity to remind Oberregierungsrat Halucke once again of our urgent need of additional skilled and auxiliary workers."

Mr. Ambros, do you know who Mr. Gransalke was?

A. I did not at the time. I do now. That was the social welfare referent whom I mentioned here before, whose duty it was to conduct such negotiations for the commitment of labor.

Q. If we speak here of skilled and auxiliary workers, does that, in your opinion, mean German, or Free workers?

A. I am sure that it means Germans, and certain Free workers, and it means construction firms, because at this time Farben was not working.

Q. Mr. Ambros, a further question. Can you recall that the G.B. Chem was applied to once or repeatedly to get Free workers, and that there was some success?

A. As I explained yesterday when referring to Schkopau, the G.B. Chem helped again and again in Auschwitz too, for example, with those assembly teams of voluntary workers from Belgium, Italy, Spain, etc.

Q. Your Honors, I offer OA-449, as Exhibit 96, on page 33 of the English book. This is a teletype message of the G.B. Chem of 19 November, 1941, concerning the possibility of employing Spanish firms for the construction of roads.

Mr. Ambros, were you informed what a scarcity of labor existed there?

A. Yes.

Q. Did you have any way out in mind?

A. I didn't understand....Yes, I had the following idea. The chief person responsible for construction in the Reich was Minister Todt. He created an organization with experts, machinery. It was the big

construction enterprise. As a minister he had a certain reputation. Anything that we private citizens could not do, Mr. Todt was able to do easily because of his position.

Q. Mr. Ambros, did you try to apply to the Organization Todt, and what happened?

A. Dr. Hoffmann, my idea was to turn over the whole project to Mr. Todt and that it should go to I.G. Farben only when Mr. Todt, the Minister of the Government that wanted Buna, had finished the construction, because only then did our duties as the I.G. Farbenindustrie chemists begin. And therefore I suggested it to Mr. Buotefisch and Mr. Duerrfeld too, and we went from one office to another and said, "Please take over this construction site. You are the ones that want it, through Todt."

Q. And was it taken over partially?

A. After long and difficult negotiations we succeeded in turning over a large part of Auschwitz construction site to Mr. Todt, and Mr. Todt was to send his organization--Speer was the Government minister at that time--to Auschwitz. A large part of the construction on the map was not built by Farben; that was Todt. He built Camp 4 Monowitz; he built the Montan plant; he built the tracks; he built the roads, the sewerage system; he built the waterworks. He had a volume of 25,000,000 marks for construction. That is a great deal because this represents only the wages and the cheap materials, sandstone and cement. This program was taken over by the Government.

Q. I offer, Your Honors, two documents, OA-415, Exhibit 97, on page 34 of the English document book. This is a letter of the Auschwitz plant to Otto Ambros, dated 29 November, 1941. Otto Ambros is informed that no negotiations would be initiated as yet with the Todt organization concerning the cooperation of the latter in Auschwitz.

Mr. Ambros, I want to ask you; as I understand it, this letter was preceded by a request on your part? Yes, or no?

A. Yes.

Q Very well.

A But Duerrfeld said it was very difficult because this suggestion was quite novel, that is, the suggestion had never before been made to include the Todt organization in private enterprises. But one can see Duerrfeld in his efforts... he is running from one office to another to get this permission.

DR. HOFFMANN: I now offer AO-419 as Exhibit 98. It is on page 44 of the English Document Book. This is a letter of Otto Ambros of 21 February 1942 to Building Director Santo and Dr. Duerrfeld, concerning the employment of the Todt organization for the erection of Auschwitz. It says the Todt organization takes over a project valued at 25 million Marks. Other documents show the extent of the construction taken over by the Todt organization. These are: AO-420 which I now offer as Exhibit 100. These documents show in detail what the organization Todt took over and, as Ambros has already said, it also shows the construction of barracks camps III, IV, V and VI, and I now ask you, Mr. Ambros, was barrack Camp IV the one which has been mentioned here so often -- that is, the prisoner camp?

A Yes. This camp was built at the time for German workers. German workers were to be put in this camp. And here we have documentary proof that on the 17th of August the Todt organization took over this camp. It was only later that it was suddenly decided to put the concentration camp inmates into this camp which was built for German labor.

Q Mr. Ambros, I do not know whether you can answer this question, but I ask you... was the increase in size of the camp later, after more concentration camp inmates arrived? Was this built by the Todt organization?

A Mr. Hoffmann, I cannot answer that with certainty, but I believe yes. Because the Todt organization worked up to the end, and I know construction people -- all of them -- if once they have something in their hands they follow it up to the end.

Q Mr. Ambros, before the recess you said that you were in Auschwitz only three or four times, and that you stayed there only one night. How were you informed otherwise about the progress at Auschwitz? The Prosecution has introduced so-called construction reports. What are they? Did you read these reports? Did you receive them?

A May I explain this a little more thoroughly?

Q Yes.

A Auschwitz is a plant of two Sparten. Sparte I for Leuna, Sparte II for Buna. This was something novel in Farben, to have two Sparten working together in building a new plant; and to found this, to justify this, as it were, it seemed proper to me to arrange a meeting between the people in charge of such matters on both sides. These were the construction conferences. All the construction engineers, chemists, social welfare director, and the man in charge of the kitchens -- he even was there once -- and all the problems were discussed at these meetings. They were very lively meetings, and the junior engineer who was present, Mr. Heidebroek, made an extract of the proceedings, which was the so-called construction report.

Mr. Hoffmann, these are not the documents. They have no value as documents. There were no signatures. Let's not forget: This is a construction site, and here a report was made approximately about what was said, and after I read them now they are, in general, very well drawn up.

Q Mr. Ambros, you mentioned that these meetings were very lively. Was the employment of the concentration camp inmates discussed at these meetings?

A Yes. The subject was also brought up.

Q What did you hear about the nature of the employment of these people -- was anything said about selections? You know, selections in the sense as described by the Prosecution witnesses here.

A No, I never heard that word "selection." I heard that

for the first time in Nuernberg.

Q Was a poor state of health among these people discussed?

A It was some times complained that new inmates arriving were in a not too good state of health, but there was positive work being done; and then Duerrfeld -- this was later when the inmates were in Camp IV -- Duerrfeld showed us what the food was, the amount of food sent into the camp. And this showed us that 2500 calories was delivered. That is quite a lot.

Q Mr. Ambros, what kind of impression did you have... what was the responsibility, in your opinion, for the individual camps?

A The responsibility for the individual camps was very clearly and definitely with the SS.

Q In respect to the food too?

A In the beginning the food, too, was under the responsibility of the SS. To be quite precise, about December 1942, the date when the camp was occupied -- I believe February or March 1943 -- there then was a suggestion made by Farben that the supplying of this camp with food should be taken over by Farben.

Q Who in Farben made this suggestion?

A I believe it was Mr. Duerrfeld.

Q You approved this suggestion?

A I saw therein a further opportunity to achieve the following: First: that the prisoners would get the normal basic food of 1800 calories; second: that the supplements could be given to the inmates because the administration at Auschwitz managed to have 80% of the inmates declared heavy workers -- that is, an official designation -- and 20% as people working long hours. If you recall, the document that was shown yesterday about the feeding of the French prisoners of war at Schkopau... you saw what these supplements amounted to -- an increase from 1800 to 2500 calories in Camp IV, Monowitz.

Q Mr. Ambros, how do you explain the fact that we have, nevertheless, heard again and again that the food at Monowitz was not

what one would have expected in the food on the basis of these calory figures you have just given us?

A I don't want to deny the impression that the inmates had given a witness here. In this camp Monowitz there must have been some mis-appropriation of this food. There must have been an unjust distribution of the food after it had gone through the kitchen. I can think of no other explanation.

Q Do you know nothing about it?

A Mr. Hoffmann, after one has been thinking over these questions for a whole year, then it is difficult to distinguish what one knew at the time and what one has learned now. I had no way of knowing it.

Q Why not?

A Because I was not in the camp at Monowitz. When it was set up I was present once, at this visit Mr. Ter Meer told about, but I was not in the kitchen when the food was handed out.

Q Very well, Mr. Ambros. Now, we have said that you were informed about the position of Auschwitz by the construction reports. Were there any other reports which could give you information?

A Yes.

Q What were they?

A They were so-called weekly reports.

Q Very well. What were these weekly reports?

A They were reports from the construction site, addressed primarily to the construction engineers of the construction office. That is, the weekly reports, I believe they came out at the beginning every two weeks and later once a month. The condition of each of these individual little buildings was described. "No. 628 has progressed so far." Each of these buildings was described. Also the position with regard to labor was mentioned. The potato supply was given.

Q Very well, Mr. Ambros. If you can remember it, there were also reports from the camps or the construction sites about morale.

A Not from the camp, but from the construction site, yes.

Q Did you read all these weekly reports?

A No, Mr. Hoffmann. It is really not possible. I believe I have already said that I got about fifty letters a day. I was away from my office 120 days a year. I had chemical work too. It was impossible. I had to rely on my associates in the office to decide what was given to me to read, and I did look through it, but at that time I was in charge of 12 plants. I think it isn't possible to expect the chemist to read every construction report.

Q. But could you perhaps explain certain things if these reports were shown to you?

A. Yes, I would be glad to do so.

Q. Mr. Ambros, did you ever learn that inmates were beaten at the construction site?

A. Yes, I was told that in the first year when the employment of these concentration camp inmates was explicitly in the hands of the SS, the inmates went back to the big camp at Auschwitz every evening by railroad. I was told that the capos, that is, the supervisors or superior prisoners among the other prisoners committed offenses against their comrades.

Q. Did you hear only about capos? Were these the only ones?

A. No, the SS, too. This was also discussed at a construction meeting. And immediately the management intervened and managed to arrange that there should be no more beatings.

Q. Mr. Ambros, you are speaking so positively. Did you yourself personally ever see an inmate beaten?

A. No, never.

Q. When you learned that the SS was beating people, what did you do? What you have just said?

A. Yes. Mr. Faust, Mr. Duerrfeld and I myself once had an occasion to speak to the commandant, and forbade that happening. We requested that both the SS and the capos be strictly forbidden to beat the prisoners.

Q. But whether this prohibition was always observed, you don't know for certain?

A. No.

Q. Mr. Ambros, after all that, it must not have been very easy for you to employ concentration camp inmates. I should like to go back once more to the old question: Did you for this reason again and again attempt, when you were applied to, to get different workers?

A. Yes.

Q. Did you go to Ter Meer to get Italian workers -- I am thinking of a Prosecution Exhibit, the one which was shown to Ter Meer on cross examination?

A. I was told at the time by an official source that Italian industry, after the collapse, would no longer produce because there was no coal, no current, or something. I was also told that since the Italian state obtained goods from Germany -- Buna, for example -- the Italian state would be willing to enter into an agreement with Germany to make labor available, as was always the case, from Italy, I said to him: "In case that is so" -- neither Ter Meer nor I knew whether that really would be the case -- I said, "Help the people at Auschwitz; help them to get workers if now" -- I believe this was in 1944 -- "the plants gradually go into operation." For in these plants we wanted to have skilled workers....as I said yesterday, it is very important whether or not the man has knowledge of the work he is doing.

DR. HOCHMILD: I should now like to offer a number of documents concerning which we have just been discussing: AO-402 will be Exhibit 101; AO-403 will be Exhibit 102; AO-404 will be Exhibit 103; AO-405 will be Exhibit 104. These documents confirm the testimony of Ambros regarding the acquisition of the property and the demand of 6 1/2 million Marks as purchase price. The next documents; AO-406, Exhibit 105; and AO-407, Exhibit 106, show that in plan the Auschwitz plant, the housing of workers from outside was considered and the necessary credit was approved for building the barracks and homes, in amount of 1.5 million Marks, as a matter of fact.

Q. Now, Mr. Ambros, do you know that the management at Auschwitz had considerable difficulties in getting the most necessary things in the Reich at that time?

A. Yes, Auschwitz was the last plant that we built. It came at a time when civilian economy in Germany was no longer supplied. At this time there were practically no blankets, linen, sheets, not even spoons.

I believe one cannot understand how poor Germany already was at that time in these civilian goods. We ourselves had to turn in linen to supply the hospitals.

DR. HOFFMANN: As Document 40-409, Exhibit 197, pages 17 and 18 of the English Book, I offer a letter from the Reich Minister for Armaments and Ammunition dated 27 September 1941. Farben-Buschwitz has a fine of 50,000 Marks because the management gave an order for 3,460 glasses under priority number reference, without justification. A special light is thrown on conditions in Germany at the time, by the last paragraph which says the Reich Minister for Armament and Ammunition issued a reminder pointing out that in case of repetition the methods of punishment of the SS will be used for dealing with the case.

Q. Was this punishment directed against you?

A. Yes. The threat of concentration camp was made against my engineer Murr. That was the first letter which I had ever received from an official source at the time.

Q. Did this Murr try to get those glasses in question for a legitimate purpose -- that is, because they were needed?

A. Mr. Murr knew nothing about it. An employee in the Purchasing Department took advantage of the priority, and it was a legitimate purpose. After all, we needed glasses for the employees, and if it is said here kosel, Rhine-wine, champagne glasses, I meant only that the value of these glasses were 62, 68 and 70 Pfennigs. They were not cut-glass, they were ordinary beer glasses, water glasses.

Q. Were these glasses intended to equip the barracks of the foreign workers and the other people working there? Yes or no?

A. Yes. From the figure 3,000 for 1941 it was quite evident that it could be only for that purpose.

Q. Now, from your knowledge of circumstances in Germany at that time, was it customary for an official of the Reich Minister, in addition to a perhaps legally permissible form of punishment, make the illegal threat of concentration camp in an official letter?

A. Yes.

Q. What about the rest of the employees at Auschwitz? Do you know whether there were enough workers?

A. No.... I didn't quite understand your question.

Q. Whether you had enough workers for office personnel, etc.

A. No. Both clerical and especially as regards quality.

DR. ROEFMANN: Your Honors, in regard to this question and the statements of Mr. Ambros, I now offer Document AQ-412 as Exhibit 108. This is a letter of a certain Gustav Helwert to Building Director Santo at Ludwigshafen. This letter is on page 25 of the English book. On the 15th of October 1941 this man Helwert complains about how difficult the situation is in Auschwitz in various respects.

He now writes and I consider this impressive and, therefore, I call the attention of the Tribunal to it; after describing the circumstances, he says: "I, for myself, do not intend to capitulate in spite of the prevailing and coming difficulties. Therefore, I shall not desert my post although I have been threatened with a concentration camp in case of more blunders." "In spite of this danger", he goes on, "we shall carry on unflinchingly." Did you threaten him with a concentration camp or who did that?

A. Mr. Todt.

Q. Now, Mr. Ambros, did you not once point out that in view of the difficulties in Auschwitz a solution will be possible by extending the time?

A. Yes.

Q. And what were you told when you suggested that and what happened?

A. The time could not be extended. The situation in Germany was such that it was expected and counted on that the Auschwitz plant would go into operation. As late as in 1944 there were days when the methanol factory in Auschwitz was the only one running in Germany because all of the others had been destroyed or at least damaged by air-raids and then in September the same state hit Auschwitz.

Q. But you continued to demand that the time set be observed?

A. Yes.

Q. To what agencies did you go to get a change brought about?

A. Primarily to the Office in charge that is between the Ministries and us, the G.B.Chem, but the G.B.Chem and I had conferences with the Minister of Armament and War Production, That's Mr. Speer. We went to the Reich Ministry of Economics for the Raw Material Office or the Planning Office. There were so many offices and they changed every year but they all had one thing in common; that the plants had to be finished in spite of the enormous difficulties.

Q. Your Honor, to give the Tribunal an insight into everything that had been considered in building the plant at Auschwitz the defendant Ambros has made a drawing which I offer as Document OA-425, Exhibit 109. Mr. Ambros, will you please comment on this drawing?

A. This drawing is to show the position of the German private enterprises in the last years of the war.

Q. Mr. Ambros, we are speaking only of Auschwitz now.

A. That includes Auschwitz and there are 100 sectors of the official agencies which supervised, criticized and were partly responsible for Auschwitz. The arrows are to show how these forces pressed on this construction set-up.

Q. Mr. Ambros, I can understand that it will seem to show someone not acquainted with the circumstances in Germany the enormous amount of official agencies which are responsible and active.

A. I can say that practically every day there were at least three official agencies with ten official representatives at Auschwitz. That's an average calculation. There were days when there were thirty and I show for sectors; red, that's the military, OKW for the prisoners, OKH, HWA, Montan Industry -- I am beginning at the left, the Montan Plant, then comes the Draft Boards that took away German workers and there's the Luftwaffe, then comes the police, the Gestapo, then comes the ministries and agencies, the railroad, the Trustee of Labor, the Plenipotentiary for Labor, then comes the Armament Ministry, then comes the Silesian Agencies and at the left, small but enormous in its effect, the Party, small on this drawing but enormous in its effect and such a poor construction manager had to deal with all of these offices.

Q. As Document OA-424, Exhibit 110, on pages 56 to 62, I now offer a chart by Otto Ambros showing the commitment of labor in the I. G. Plant Auschwitz in the years 1941, 1942, 1943 and 1944.

THE PRESIDENT: Pardon me. Your Document 424 becomes your Exhibit 110; is that correct?

Q. 110, yes. Mr. Ambros, please comment on the chart for the end of 1941 first and tell us how the construction set is divided according to your opinion?

A. By this drawing I mean to say at the top the Ministerial Plain, OKW, responsible for prisoners, Labor Ministry and Economic Administrative Main Office, WVHA. From these agencies the various labor flows to the construction site which is at the bottom, referred by the G.B.Chem to the Regional and Local Labor Office and where they are taken together in the Employment Bureau for the Auschwitz Plant. I mentioned before that a large part of the work was not done by Farben but by Ruestungsbau Speer. That is shown by the next cross-bar at the bottom. At the left we see the proportion of labor under Farben's control and at the right the proportion under the control of the Construction and Assembly firms. That is numerically, Mr. Hoffmann, but at the end of 1941, 5,000 men were at the construction site, 500 of them were working for Farben and 4,500 for outside firms. That is what this chart is to show.

Q. And for the years 1942 and 1943 the picture is similar?

A. The picture changed a little during the assembly period. The portion under Farben's control is larger but you see one thing about all this, this striped line shows the concentration camp inmates. In the beginning there are hardly any under Farben. In 1942 a little more. 1943 again a little more but always predominately toward the end they are working for outside firms and not for Farben. That's what the chart is to show.

Q. Now, I have one more question on the chart and that's for the employment bureau of Farben at Auschwitz. Now, where did this office get the workers needed for Auschwitz? Where did they apply for them?

A. This employment bureau is actually only an intermediate office which goes through the labor office. The employment bureau goes through the labor office at Bielitz,

Q. Does this local labor office have anything to say about the employment of concentration inmates under this chart?

A. It's shown by a dotted line. The employment of prisoners was regulated by the decree of 4 March 1941. The labor office was referred to the concentration camp if it didn't have enough free German, free Foreign workers or conscripted foreign workers.

Q. And upon this the concentration camp turned over the inmates?

A. Yes, and it was the same with the prisoners, by the way.

THE PRESIDENT: Gentlemen, we are about to recess for lunch.

I have two brief but necessary announcements. At the request of his counsel the defendant Gattinenau will be excused from attendance at this afternoon's session. The defendant Buerger and his counsel will also be excused for such time as they desire to be excused to attend a commissioner's hearing this afternoon. We now rise until 1:30.

(A recess was taken.)

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

OTTO AMBROS (resumed)

DIRECT EXAMINATION (Continued)

BY DR. HOFFMANN:

Q. Mr. Ambros, I have to come back to one question that I left out this morning. I submitted a map which was Document OA-311, Exhibit No. 78, in Book 3-A. This map that's up here on the wall shows the individual sources of raw materials?

A. Yes, that's right.

Q. You explained this map in detail and I am now asking you when the construction site of the Auschwitz Plant was decided on in Commission I and when you decided on it from your view point as a chemist did you have this map in front of you?

A. Yes, this map was shown, not this particular sketch but it had the same contents as to Auschwitz and showing the distance to the sources of raw materials, coal, salt and line with the arrows.

Q. Mr. Ambros, I should like to ask you in regard to Auschwitz - you already testified that the scarcity of man-power together with the time-limits set for the construction were known to you; is that right?

A. Yes.

Q. Did you know in particular what fluctuations occurred in man-power on the construction site, that is to say, did you know about the changes and fluctuation of workers?

A. No, I did not.

Q. If you knew, for instance, that on the Auschwitz construction site 1,000 or 5,000 concentration camp inmates were working did that give you any information about whether these numbers of people were exchanged constantly or whether the same persons remained during the entire time from 1941 to 1944 on the construction site?

A. The idea was that the people should stay on the construction site, as the core of building workers but I heard that one day 1,000 men

were transferred away. I learned that subsequently and I was told that all Poles had been taken away; later I heard that all Russians had been taken away. That was the only information that I considered disturbing for we believed that we had a cadre of workers there who would stay there and whom we could train in the craft; workers who would stay for the whole period of construction until the plant began to operate.

Q. Mr. Ambros, I assume that you are now speaking of the construction camp inmates?

A. Yes.

Q. Did you imagine that these people would stay there all of the time and be always guarded? How did you think that this situation would develop?

A. No, we expected that prisoners would get free and I remember conversations when I learned that inmates were set free.

Q. Did you know anything about the fact that inmates were changed after they had been worn-out by work or were no longer fit for work?

A. No, I didn't know anything about that but, Mr. Hoffmann, I know the contrary; the fact that skilled workers were taken away at one time, such skilled workers who had been trained in Auschwitz and we considered that an injustice.

Q. Could you do anything against the removal of the skilled workers whom you trained, as you said? Could you tell the SS, for instance, we don't want that done?

A. I could only protest. We couldn't do any more.

Q. Was that protest successful?

A. No.

Q. Mr. Ambros, about the question of procurement of labor I asked you to state to what agency you reported about this. Did you ever turn to any other gentlemen known to you, any of your acquaintances and point out to them the situation in Auschwitz?

A. Yes, during various meetings within Farben. For instance, I

asked that for further support of Auschwitz I be given certain man-power from the other plants for, as the charts of Dr. Struss show, in Exhibit 316, Auschwitz had the lowest proportion of German workers. Only 13% whereas at the same time the cross-section of the other plants was 40% to 50%. But, Mr. Hoffmann, the other plants could not give up any laborers because these 40 or 50% were chemical workers in the plant and under the difficulties with which we had to deal at the time there were not enough of them either. Your question, therefore, must be answered "yes, I approached various people within Farben requesting help" and I was granted this aid as far as this was possible. I was given leading personnel for the technical part, later for the operational part and also for the offices from Frankfort, from Berlin. I was given man-power but it was much too little in order to overcome these difficulties.

DR. HOFFMANN: Your Honor, from my Document Book 4-A I shall now present the following documents: Document OA-408, Exhibit 111 on page 114 of the English Document Book. This is an affidavit of Dr. Kraft about the plans for the dispensaries and hospitals in Auschwitz. Then Document OA-410, Exhibit 112. This is a travel report from the head of the Purchasing department of the Auschwitz plant, Mr. Schmitt, who renders a report on 12 January 1942 where he says that he didn't receive anything because, as he was told, there was nothing available. Above all, this man was looking for bed linen and such materials. The next Document OA-416 will become Exhibit 113. This is a file note of 14 December 1941 concerning the employment of French construction firms, including implements, skilled and auxiliary workers. That is the same type of employment as described by me yesterday for Schkopsau. Document OA-417 will become Exhibit 114. This is a report on a conference dated 5 February 1942 about a discussion on 30 January 1942 at the Kattowitz Regional Employment Office. There the Kattowitz Regional Employment Office promises all possible help, in particular as regards the demand of 3,000 German workers. I have a question in this connection, Mr. Ambros. Do you know whether these 3,000 German workers that were demanded

actually arrived or whether they were replaced by other ways and means from the labor office?

A. The Landesarbeitsamt Kattowitz promised aid but the workers didn't come to the amount as had been promised. It's true that the number of German workers increased gradually but in 1942 the labor situation was already very critical. What we had asked for in particular was to have the people from Upper Silesia transferred back again into their home regions and that was not done to the extent that I expected and hoped for. This was caused by the fact that the Upper Silisian is well-known as a good worker.

Q.- I now present Document OA-418. This will become Exhibit 115. This is a report on a conference of the 5 of February 1942 concerning a discussion with the Provincial President Springorum. No. 1 of this conference report deals with the procurement of workers.

The next is Document OA-422. This will become Exhibit 116. This is an affidavit of a certain Otto Dressel who took over part of the construction of Auschwitz as an outside contractor for the account of Farben.

The last document of this volume is OA-423, an affidavit of a certain Herbert Ullitzka. This will become Exhibit 117. Ullitzka also was the head of various firms performing services on the construction site. In the affidavit he gives a survey of his experience in Auschwitz.

This ends the presentation of documents from this document book.

JUDGE HEBERT: Pardon me. May I ask, what number did you assign to Exhibit No. 401? I did not have that number noted. It is your exhibit 401. That is the map which Dr. Ambros explained.

DR. HOFFMANN: Judge Hebert, this document has already been introduced when it was given Exhibit No. 9. It was only referred to once more here.

JUDGE HEBERT: Thank you.

BY DR. HOFFMANN:

Q.- Mr. Ambros, I now should like to ask you very briefly in regard to a few incriminating documents that the Prosecution has presented against you. In book 77, under Prosecution's Exhibit No. 1507, a record of the Plenipotentiary General for the Four-Year Plan has been introduced. This is entitled "Results of the 43rd Meeting of the Central Planning Board on the 2nd of July 1943." Do you remember this document?

A.- Yes, I know that such a document exists.

Q.- I shall have it handed to you and ask you to express your opinion about it.

A.- Yes, I remember it again.

Q.- Do you need it or may I have it for the purpose of my question?

Under Roman Numeral II, there was a lecture given about the removal of workers from Auschwitz. I, first of all, cannot see at all whether you gave this lecture at all. You are mentioned under Roman Numeral I, it is true, but whether this passage also refers to you under Roman Numeral II, I do not know and I would like you to tell me.

A.- No, It is as you say: under Roman Numeral I, I reported about the effects of air raids on Huel.

Q.- Yes, here it says: "Director Ambros from Farben gives a survey about the extent of damages at Huel and the possibility of repair." Then this lecture follows and then there is a New Roman Numeral II, a sub-section which reads, "The extension of Auschwitz for 20,000 tons of Buna which is already in progress, presupposes that further removals of workers be stopped from Auschwitz." And under Section 4 it says, "Additional inmates from Auschwitz Concentration Camp must be made available." Did you give this lecture?

A.- No, as far as I remember. I know that I was in Berlin where I visited Professor Krauch. On this occasion he told me, "This afternoon there is a meeting of the Central Planning Board." I believe I came from Huel because that plant had been almost destroyed a few days previously by an air raid which took place on the 23 of June 1943. About these impressions -- that is, the effects of this air raid and what one should do about it -- I did give a lecture.

Q.- And about the question of inmates to be made available from Auschwitz Concentration Camp?

A.- I did not hold a lecture about that. I merely remember that the plan was considered to produce more Buna -- I believe 20,000 tons more should be produced. I remember that Professor Krauch emphasized that German skilled workers should be procured. That I remember. Anything else was not done in my presence.

Q.- This document presented by the Prosecution contains a list of those

present. This is at the end of the document, and altogether there are ten persons listed.

A.- There were many more than that.

Q.- At any rate, you did not hold this lecture under Roman Numeral II?

A.- No, I do not know. No.

Q.- Mr. Ambros, there is a difference whether you say, "No", or "I do not know."

A.- I say "No."

Q.- I should like to ask you briefly about your affidavit in Book 75, Exhibit 1457, as far as Auschwitz is concerned.

A.- Is that my affidavit?

Q.- Yes. You say under paragraph 8, "I protested against the evacuation of the Auschwitz district to the extent that I endeavored with President Springdorum that Jewish craftsmen should not be evacuated but should be permitted to remain in the city of Auschwitz as craftsmen." And then you say, "I experienced a part of this evacuation. I was moved deeply." Then you mention a particular evacuation to Scharnow. Will you please express your opinion about that?

A.- This morning, I related that in connection with the Committee "K" meeting I visited the construction site and that I inquired at the provincial planning agency about the situation in Auschwitz. I learned that for months already a so-called evacuation order was in existence, according to which this region around Auschwitz was to be cleared of all Poles and Jews in the so-called evacuation zone 1. I used my stay in Kattowitz to speak to the deputy of the gauleiter, the regional party boss, Regierungspräsident Springorum, and to point out to him that it was impossible to clear this region of its inhabitants, if on the other hand one wanted to build a factory there. I emphasized that the presence of Poles and also that of the Jews who had control of all trades -- that is, carpentry, glass, bakery -- was necessary if one should have manpower for construction work.

That explains my request why I intervened that both groups should be permitted to remain. I must emphasize further that Springorum was of the same opinion. The evacuation was postponed in the case of the Jews until April, and not a single Pole had to leave that region; on the contrary, we endeavored and we succeeded in having all Poles stay behind and also in achieving that all refugees returned to their homeland.

I related this morning that we constructed a settlement for the Poles. This can be seen on the map which was introduced. (Indicates on map).

THE PRESIDENT: You will have to describe where it is. You can't do that, Doctor. You can point it out and describe it on the map, for otherwise we couldn't get it in the record.

THE WITNESS: The place on the map which is behind my seat, the place where we built a settlement for the Polish population, is at the top corner of the map.

BY DR. HOFFMANN:

Q.- Mr. Ambros, in regard to your first visit with Hoess, I understood you to say this morning that after you received Wirth's letter you wanted to discuss one of these points with Hoess as you wanted to get an idea what a concentration camp was and what concentration camp inmates looked like.

A.- Yes.

Q.- During this first conference, was there any agreement achieved about the type of labor commitment? How long these people were to work, or anything of that nature?

A.- These arrangements had been made before already.

Q.- By you?

A.- No, I didn't have to do anything more in this matter.

Q.- You state further in your affidavit, that "the work with concentration camp inmates was considered embarrassing by all of us." First of all, I want to ask you if that applies to the early period already, or when

did you have that idea? How am I to understand this phrase wherein you state that you considered it embarrassing?

A.- One would rather work with free workers because free workers can be directed to different places of work more easily. If you work with prisoners, you need guards and that precludes the free commitment of these people on a construction site.

Q.- Very well. Then it is not to be understood that you meant by the word "embarrassing" or "unpleasant" a human sentiment towards the prisoners, and that you didn't like to work with these people because they were concentration camp people?

A.- Rather the contrary would be true.

Q Mr. Ambros, did you have the feeling that you didn't want to have anything to do with these people? What was your attitude towards them? Did you consider them as human beings?

A On the contrary, Mr. Hoffmann, I know from my own experience that it is a great relief for a prisoner if he is permitted to work. Where I was imprisoned, that was considered a particular reward.

Q That doesn't answer my question, Mr. Ambros. When you first got in touch with the prisoners, you had never been in prison. Were you ever punished before?

A No.

Q Therefore I ask you once more, what was your personal, human attitude towards a concentration camp inmate? Did you feel that you wanted to have nothing to do with him? Was he inferior to you? What was your attitude?

A I had compassion.

Q Why did you have this compassion?

A Because he was a prisoner.

Q You say further, Mr. Ambros, under Paragraph 16 of your affidavit, "During the first time, the commitment of concentration camp inmates was a disappointment. Grave offenses were committed by the Capos." And then you say the most terrible thing was the mistreatment of the inmates by the Capos. "They treated these people inhumanely." I already asked you this morning if you say that yourself or was that reported to you.

A I didn't see it myself but I heard about it. It was reported to me.

Q In the form that you express it, that the Capos treated the inmates inhumanely?

A I was told that the Capos were beating the inmates.

Q When was that?

A During the first year of the building activity, that is, in the summer and autumn of 1941.

Q What did you actually do to stop this?

A At the moment already when I was told about it Mr. Faust, for instance, told me that he immediately approached the commander of the concentration camp and that he demanded that all Capos and SS guards should be instructed that all beatings had to stop immediately. It did let up, and I believe that I mentioned that in my affidavit. As a result of this intervention of I.G. Farben Industry, or the particular officer, beatings were practically stopped at a later time. I do not want to go so far as to say that on a construction site some abuses do not happen now and then, but again and again the construction management saw to it that all such abuses were punished. There were directives and instructions for the German foremen of our plants, and especially for the contracting firms, that beatings were prohibited. The inmates were to be treated as human beings just as anybody else.

Q Mr. Ambros, you say further in your affidavit, "We were generally of the opinion that the inmates who were sent to Monowitz were spared the fate that otherwise would have happened to them in the concentration camp Auschwitz." What does that mean?

A I knew that in 1942 a terrible epidemic of typhus had broken out in the large Auschwitz Concentration Camp. I heard that thousands of people had died. In my estimation, and according to what I was told, the camp housed about 50 to 60 thousand people at the time, and the camp was in no way able to combat this terrible typhus epidemic. One more sentence. Only 7 kilometers away from there, at the construction site of Farben, as far as I know, not one case of typhus occurred as a result of the extremely good medical care that was exercised over the workers at the construction site and in the dispensaries.

Q Mr. Ambros, you know that a normal worker is paid. How did you imagine that wages were paid to a concentration camp inmate, who after all was giving his time also? What was your idea about this? Did Farben want to earn this profit brought by work of the concentration camp inmate? Did Farben profit on this? What can you say about this?

A Farben did not make any profit on the commitment of concentration camp workers. A construction enterprise that costs 600 million marks cannot earn any money by using about 100 0 concentration camp inmates. That is absurd. Farben paid to the SS administration the fixed rate for the inmates that had been determined by the Reich authorities. I believe it was four marks.

Q Mr. Ambros, isn't it something horrible if one employs a person without asking him, and then pays a third party for his work?

A We had the feeling too, that we wanted to do something for the inmates - to give them something. The plant did that by giving them premiums - not only those premiums that we discussed today. There was a discussion that the premiums were to be increased and the highest amount would be to give freedom to these inmates - that would be the highest possible premium. This suggestion was our reaction. We made the suggestion to the Economic Administrative Main Office - the uppermost administrative agency in charge of the inmates.

Q I have one last question, Mr. Ambros, about your affidavit. I remind you of the fact that this morning you made certain statements about your letter to Ter Meer in which you describe your impressions from the first visit. Now in your affidavit you say, under Paragraph 23 - one sentence that is not to be reconciled at all with what you said this morning - I mean it's not to be reconciled with your letter that you wrote at the time: "The institution of a concentration camp is something horrible. It is torture for the inmates." When did you gain that enlightenment as contrasted with your previous impression which caused you to write this letter in 1941?

A Mr. Hoffmann, despite my impression that I gained when I visited Auschwitz, I was still depressed by the fact that I saw people in uniform. I always had an antipathy to uniforms and short-cropped hair, people whose hair was shaved, people behind barbed wire - that is torture. Their employment was on a construction site where the SS was removed; because their guards were posted outside the plant; and here

the inmate could for the first time again meet other people from his own nation and work freely with them. It is true that that was not an ideal condition for him. He still remained a prisoner, but nevertheless it was progress. He was able to talk to other people and get together with them, although that was forbidden. He could write letters home, although that was forbidden. He could smuggle them through.

Q Mr. Ambros, then and today you were and still are of the same opinion that the concentration camp inmate who was on your construction site was much better off than if he had been in the concentration camp?

A Yes, I am certainly convinced.

Q I want to come back briefly to an affidavit of Dr. Struss which was submitted by the prosecution as Document NI 12610 in the cross examination of Dr. Tor Meer.

I'm sorry, Your Honors, I don't have the Exhibit Number. I shall turn it in later.

Struss, who has sworn out many affidavits, stated during an interrogation that he had heard about the extermination program in Auschwitz and that he had discussed that with you. At any rate, you are one of several people mentioned. First, I want to ask you this basic question. Did you ever know anything about the exterminations that took place in Auschwitz?

A No. I knew nothing about it.

Q Did Struss discuss this with you at any time?

A No. Mr. Struss did not discuss this with me.

Q Mr. Ambros, do you know of any plant in which concentration camp inmates were also employed?

A Yes, in Gendorf, a small plant about one hundred miles away from here in Bavaria.

Q What was produced in Gendorf?

A Gendorf was a Reich owned Montan plant. That is to say, it was a standby plant which was built by the Bavarian Nitrogen works, The Bayerische Stickstoffwerke, shortly before the war broke out, and where Farben turned over their experiences for the production of diglycol and a preliminary product, thiodiglycol, for mustard gas. Farben had to give this experience. They had to install the equipment for this plant and operate it during the war.

Q When was the building of Gendorf begun?

A The Bayerische Stickstoffwerke began the construction, as far as I remember, in 1938.

Q Who caused this plant to be constructed?

A It was caused by the OKH - that is, Colonel Loeb.

Q What tasks did Farben have in the Gendorf plant?

A Farben originally had the tasks to make their experiences available for carrying out the construction, to be advising technical office, as can be clearly seen from Exhibit 598 in Book 33.

Q Was there any contract concluded between Farben and the Bayerische Stickstoffwerke for the Gendorf plant?

A The Bayerische Stickstoffwerke was in charge of the work. I.G. Farben industry was given the order to make their experiences available and to give assistance to the Bayerische Stickstoffwerke when this plant was constructed.

BY MR. HOFFMANN: Your Honors, in connection with what Mr. Ambros has just now said I should like to present from my Document Book 5A Document OA-501 which will be Exhibit 118 and Document OA-502 which will be Exhibit 119. From these two exhibits it can be seen in regard to the history of Gendorf, that Farben, in March of 1942 had to help with their experiences.

Q Was the Gendorf plant a sort of Reich owned chemical plant or was it not such a plant?

A The Gendorf plant was a Reich owned plant. The owner was the Reich, that is OKH, which used the Montangesellschaft as a holding company for directing this enterprise. The man in charge of this Montangesellschaft, who constructed all armament plants and who gave the initiative for such construction, was the prosecution witness Zeidelhack.

Q Mr. Ambros, OA #7, Exhibit 7, document books, will once more show a diagram that was already submitted for identification previously. Have you this diagram before you?

A Yes.

Q I would like to ask you the following in connection with this chart. Does this chart contain all Reich owned chemical plant, as far as you know?

A Yes. This diagram contains all Reich owned chemical plants, as far as I know. There's even one too many there. That is Uerdingen at the bottom. That should be deleted. That's wrong.

Q What was Farben's share in these Reich owned chemical plants and what did the outside firms, as Farben would be in this case, what did they have to do with these Reich owned plants at all? Why were they in there?

A As shown by this diagram, in the left column, the firms BASF, W. I. G., W. I. G., Goldschmidt, Hagen, etc., are only firms that take care of these plants. That is to say, they are not the owners but they have certain chemical know-how and they are obligated by the Reich to make this know-how available to the Reich free of charge. When all these factories are constructed which are listed in the red box, they have the tasks of directing the enterprise, of constructing the enterprise on behalf of the Reich.

Q As far as Farben is concerned, I find Farben listed for Gendorf and Dyhernfurth and, furthermore, from the chart one can see that in Gendorf and Dyhernfurth, glycol, diglycol and C-substances were produced. What are C-substances?

A C-substances, C-Stoff, was the code name for chemical warfare agents.

Q From this diagram can you explain roughly whether Farben was in charge solely for the production of glycol, diglycol and C-substances or whether that was not so?

A For the production of the harmless product of glycol - that's prestone - diglycol - that's the preliminary product for powder, Farben had the sole responsibility because they alone mastered this process.

But for the chemical warfare agents they were responsible only to the extent as special products were concerned. But in the case of many chemical warfare agents of a different type, other firms were responsible. For instance, the Ergothan firm was responsible for arsine chemical warfare agent, or Lonal was responsible for some other chemical agent of the type of Clark.

Q In this chart I also find above the names Gendorf and Dyhernfurth another name of a firm Anorgana G.m.b.H. We have already explained this briefly yesterday, but I believe now is the time to explain briefly what the Anorgana was and what you had to do with this enterprise.

A If such a plant of the Montan Company had been constructed.. Let us take the example of Gendorf, and if this plant had to start operating, a private entrepreneur, for instance, I.G. Farben, was given the mission of being in charge of operations. I.G. Farben industry did not want to assume the responsibility for operating this plant as such because these military assignments were not well suited for Farben. There was a lease company for this job for whose operation the OKW was responsible. That is, the OKW had given the mission. Assignments and they were the owners of the plant. For instance, in the case of Gendorf, when, in 1942 production was started, the licensed firm Anorgana was founded, appointed an aufsichtsrat consisting of three people from the OKW and three people from Farben. I think I am wrong. There should be four people each. Anorgana, of course, needed a business manager and that position was taken over by me on an honorary basis.

Q. Did Anorgana make any profits and, if so, what was done with this money?

A. In the beginning, Anorgana only suffered losses. That was...
Oh, I must explain this. The plant belonged to the Reich. The customer was the Reich. Then one cannot really speak of a loss, but it didn't have any profits either. For instance, the Tabun factory in Dyhernfurth had no possibility of making any profit. In the Glycol and Diglycol plants in Gendorf, however, there were profits. From this profit the Reich took one-half for itself. An arrangement had been made in the beginning according to which the Reich would be satisfied with one-third, but very soon thereafter the Reich took one-half. Besides that, the Reich took over the entire sum of amortizations as far as that could be incalculated into the products to be sold. Farben's policy, however, was not to earn anything from Anorgana. That was the directive - the policy issued by Geheimrat Schmitz. We didn't want to make any profit from Anorgana and this point of view you find expressed also when, in 1943 or 1944, I suggested that the share of profit falling to Farben should be used for the foundation of a fund for the employees. My great anxiety was that during the production of the dangerous poison gas Tabun some accident might happen, and since these firms did not have the social welfare machinery that Farben did, for they were Reich owned plants and the Reich had not been able to perfect this social welfare idea as Farben could, we needed an additional assistance and that was supposed to be the employees' fund for Anorgana that I suggested.

Q. These plants, Gendorf and Dyhernfurth, were projected already before the war, is that correct?

A. No. Only Gendorf was planned before the war.

Q. Yes.

A. The idea to build Dyhernfurth came about on the 12th of December 1939, after Hoerlein, Ter Meer and I had been given the order, on the 7th of September 1939, by the OKH to construct a plant for the production of Tabun.

Q. I want to revert briefly once more to the solution that you found in connection with the Luranil G.M.b.H. Will you describe to us briefly what this Luranil G.m.b.H. was?

A. After the war broke out, the orders for the construction of Reich owned military plants increased and Farben had to take over and work on such jobs more and more. When problems were concerned that could only be solved by Farben, for chemical reasons, I, together with the gentlemen from the legal department, suggested that for the construction, too, a separate enterprise should be founded.

Q. When was Luranil founded - during or before the war?

A. In Book 13 of the Prosecution, the Exhibit 355 is offered and this is a file note about the foundation of the Luranil G.m.b.H. dated 29th January 1940. That is, during the war, there I express quite clearly that the purpose of the Luranil G.m.b.H. was twofold. Farben was not to become apparent to the outside with such plans. Secondly, that the cost for such Reich owned plants should be kept strictly separate from other tasks of I. G. Farben Industry, and that so far as Luranil hired personnel, they would not become part of the personnel of Farben so that Farben could not take any responsibility for them and they would not have to take this responsibility, and that these employees were very clearly separated from our Farben employees. But we didn't want to camouflage anything either. In the index of some prosecution book it is hinted that Luranil was an artificial construction in order to camouflage our work in this field. That was by no means so, for this report says that in the case of all orders that went out in the name of Luranil - slip of paper was to be added wherein Farben stated that Luranil was a 100% subsidiary company of Farben and that no customers should be afraid that he would not be paid because the means for meeting our obligations were safeguarded and guaranteed by Farben. Mr. Hoffmann, we didn't want to have large signs on every construction site we had that said "I.G. Farben Industry", that was all.

Q. Mr. Ambros, so far I asked you in regard to this entire subject matter I did not even tell you really what I intended with my questions. But I now ask you, did you build any chemical or other plant before the war with the help of Luranil which might indicate that you wanted to prepare a war with the work of Luranil?

A. No, Mr. Hoffmann. Since Luranil was founded only in 1940 your question is already answered.

Q. The same question I put to you in regard to Inorgana. Did you undertake anything with the help of Inorgana that might indicate that you are here also concerned with a preparation for war?

A. Inorgana was founded in 1941. That is, during the third year of the war. Both organizations were emergency organizations after the outbreak of war.

BY DR. HOFFMANN: Your Honors, from Document Book 5 I should like to submit Document O-503 in regard to this subject. This will become Exhibit 120. This is a letter of Montanindustrie G.m.b.H., Berlin-Charlottenburg, dated 28 January 1948. It gives a list of the Reich owned chemical plants.

The next document, O-504, Exhibit 121, is another list of Montanindustrie G.m.b.H. bearing the same date, 28 January 1948, and takes into account the Reich owned plants in regard to their special reference and relationship with Farben.

O-505, Exhibit 122, is an affidavit of Dr. Schmid-Lossberg, the former business manager of the Montanindustrie before the collapse.

Document O-506 will become Exhibit 123. This is an affidavit of Dr. Gustav Diltz who was responsible as a lawyer for the legal questions arising during the foundation and later during the operation of Luranil G.m.b.H., and who describes the foundation and activity of Luranil, G.m.b.H.

Q. The next document OA-507, Exhibit 124, is an affidavit of the same affiant who makes similar statements about the Anorgana. Mr. Ambros, were you ever plant manager of Gendorf or plant leader of Gendorf?

A. No.

Q. Who was the plant leader in Gendorf?

A. Dr. Max Wittwer was plant leader in Gendorf.

Q. What was your position in Gendorf?

A. In Gendorf itself I had no position at all but I was the business manager of the Anorgana, that is that company which coordinated Gendorf and Dyhernfurth.

Q. Who was the deputy business manager?

A. Mr. Wittwer.

Q. Please indicate briefly what was manufactured in Gendorf?

A. The first program which is contained in the preliminary notice; in other words which is contained in the construction order in the first two documents of this book. This program comprised the construction of a plant for the production of 500 to 600 tons of diglycol per month. Furthermore, the production of 600 tons of thiodiglycol and the store rooms necessary for this production, furthermore Anorgana produced an acetaldehyde which is a starting product for acetic acid and other chemical purposes.

Q. What war production was done and when did it start?

A. War products that were produced were only diglycol which itself is not really a military product but becomes such a product if an explosive and powder plant converts the diglycol into powder. But I believe you are thinking perhaps of another product: Thiodiglycol. This is also such a preliminary product which in peace time, and also today, is a textile auxiliary product. But in the so-called Orgacid plant in Gendorf, a plant which was adjacent to Anorgana but which was administered separately, chemical warfare agents were to be produced from thiodiglycol, but actually that was never done.

Q. Were you in Gendorf frequently? Were you closely connected with Gendorf?

A. No, I was there perhaps twice or three times a year. It was somewhat distant.

Q. You already stated initially that Gendorf also employed concentration camp inmates?

A. Yes.

Q. What did you know about this employment of concentration camp inmates in Gendorf?

A. Perhaps I have to give you a short preliminary history of how this employment was brought about. In one of the next document books we deal with the chemical warfare agents. Outside of the program that I discussed just now, there was a large Direct Lost plant, D.L. plant in Gendorf. The orders for its construction were issued by the Reich on 27 September 1939, after the war broke out. This plant was to produce 4,000 tons of Lost per month. It was the largest and most important plant but it didn't function properly. When, in 1943, this production was to start, I had to report that the entire plant was misconstructured. It produced 400 tons instead of 4,000 and the quality was impossible. The product disintegrated and could not be used. In 1943 we had to reconvert. We had no man power, however. We had no Germans, we had no foreign workers, and as a result the Berlin agencies took under consideration to employ concentration camp inmates. I rejected this plan unless skilled workers could be made available I could not prevent the employment of these skilled technical workers, masons, carpenters, and so on, because they meant a sort of assistance for this urgent task at the time. That is all.

Q. Mr. Ambros, did you at that time have any misgivings? Did you imagine what circumstances these concentration camp inmates would get into in Gendorf? Did you have any confidence that they would be humanely treated or did you not have any ideas about that?

A. Yes, I was firmly convinced of the basic idea which I described a little while ago, that is if inmates were employed in a plant, that was only for their own benefit, as compared to their condition in the camp. Since the Gendorf plant was small, it had a staff of only 3,000 workers, I was sure that conditions could be created there which would correspond to that idea.

Q. Your Honors, what I was able to find out about Gendorf and concentration camp inmates employed there I shall now submit in the following affidavits. These are documents OA-509. That will be Exhibit 125. This is an affidavit of Dr. Max Wittwer of 10 January 1948. Wittwer was, as Ambros has explained already, the plant leader of the Gendorf plant of the Anorgana G.m.b.H. from its foundation up to 1945. In May 1945 this man was interrogated by Lieutenant-Colonel Hoffmann, as investigator appearing there on behalf of the American Military Government examining him about the employment of foreigners and concentration camp inmates at Gendorf. What Wittwer then learned from this report or interrogation by Lieutenant-Colonel Hoffmann is contained in this affidavit. The next document, OA-510, will become Exhibit 126. This again is a description of what the American investigator found after his investigations and what he stated to the affiant after he was through interrogating him. The next document, OA-511 is Exhibit 127. This is a letter of Mr. David E. Pitcher, Jr. from New York directed to Attorney Dr. Vinassa in Berne dated 24 September 1947. Pitcher, together with Colonel Hoffmann, compiled the report on the Gendorf Concentration Camp inmates, and as a result of his investigations he states in this report that conditions with regard to food, work and housing were the best that anybody could obtain who was inmate of the Dachau Concentration Camp. The next document is OA-512 which will become Exhibit 128. This is a report on the payment of foreign workers at Gendorf, again by Colonel Hoffmann. He states in this report that also with respect to foreign workers the salary was subject to the tariff and rates fixed for chemical workers in Bavaria. The next is

Document OA-513 which will become Exhibit No. 129. This is the testimony of a certain Karl Novak who renders a report about what he experienced in Gendorf with special reference to the working hours and other conditions.

THE PRESIDENT: It is near enough time for recess, so the Tribunal will rise at this time for its afternoon recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. HOFFMANN: Your Honors, before the recess I offered OA-513 as Exhibit 129. I should now like to question the defendant Ambros briefly about Document OA-512. That is the preceding document. That is Exhibit 128.

Q Mr. Ambros, do you have this document?

A Yes.

Q Will you please comment briefly on the question of payment for foreign workers in comparison with the German workers?

A This document is a report by Lieutenant Colonel Hoffmann. It shows the payment which was in practice at Gendorf and since Gendorf had French prisoners-of-war, Italian prisoners-of-war, but no Russian prisoners-of-war, it had, furthermore, French and Italian civilian workers and all Eastern workers, I believe that this report is very important because, as you have already said, it shows that in principle the plant paid the same basic wage to all these groups as to the Germans. In addition to the basic wages there were also all the premiums which the Germans received.

Then there were deductions made but that had nothing to do with the plant. That was intervention on the part of the Reich. For instance, in the case of the French prisoners-of-war, through the organization of the OKW which we knew as the Stalag, the Reich deducted a certain sum -- in this case 82 marks.

In the case of the Italians there were also two deductions: 40% for the Stalag, then 1 mark 20 a day for rent; but it seems to me that the Eastern worker is very important. Both the gentleman before me and I have emphasized that industry regretted that in the beginning there was such high deductions made in the case of the Eastern workers.

If you will look at the second page -- that is page 47 of the book, the summary -- you will see the efforts of industry and its success according to which these deductions were gradually eliminated. In 1942-43 the Russian got 60 marks; 1943-44 he got 79 marks, then 160 marks, and

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finally we managed to arrange that there were no deductions at all for
the Russians, that they were treated just like the Germans.

That is what I wanted to point out especially.

Q Now Mr. Ambros was this done in a constant struggle with the official state authorities?

A Yes. And I should like to emphasize that I believe it was I.G. Farbenindustrie which succeeded in having these deductions eliminated.

Q I now offer Document OA 514, as Exhibit 130. This is the affidavit of a concentration camp inmate who worked at Gendorf.

The next Document is OA 515, Exhibit 131, and is also an affidavit of a concentration camp inmate who worked at Gendorf.

The next Document is OA 516, Exhibit 132, another affidavit by a concentration camp inmate.

The last of these affidavits is OA 517, as Exhibit 133, which is again an affidavit of a concentration camp inmate who worked at Gendorf. I shall not read these documents. I believe that they speak for themselves.

Now the production of Lost was certainly war production?

A Yes.

Q Do you know whether in this production, prisoners-of-war, or any foreigners were used?

A No, no prisoners of war and no concentration camp inmates were employed. For the Gendorf and the Dyhernfurth plants I had given instructions that the manufacture of poison gas was to be performed only by Germans.

DR. HOFFMANN: I now offer OA 518 as Exhibit 134. This is an affidavit by the plant leader of the Gendorf works, Dr. Wittwer. Dr. Wittwer states, "I testify that in the production of mustard gas no foreigners, prisoners of war, or concentration camp inmates were employed.

Then the only thing that remains from this Document book is Document OA 508, as Exhibit 135. This is a contract between I.G. Farbenindustrie, A.G. at Ludwigshafen, on behalf and for the account of Bayerische Stickstoffwerke, and a French firm. This contract is dated 11 September '41. It has the same subject as the other Document books, that is, the attempt to hire whole teams from French firms to build and operate the individual

plants.

Mr. Ambros—

THE PRESIDENT: Did you intend to have that document marked as an exhibit?

DR. HOFFMANN: Yes, I beg your pardon. It will be Exhibit 135.

THE PRESIDENT: Thank you.

BY DR. HOFFMANN:

Q Mr. Ambros, I wish to ask you something on the basis of some Prosecution documents. The Prosecution has offered Document NI 10695, Exhibit 1355, which deals with a childrens' home in Gendorf, or near Gendorf. Please comment on this childrens' home and its connection with the Gendorf plant.

A I am sure that there has been some mistake here. In the town of Burgkirchen, which is a town near Gendorf, there was a Childrens' home which was built by the German Labor Front. It had nothing whatever to do with the Gendorf plant, with one exception. That is, the doctor of the Gendorf plant, who lived in the town of Burgkirchen, had on his own, taken an interest in the Childrens' home. The conditions in this Childrens' home were impossible, and this doctor, Dr. Hartung, reported these conditions to the medical authorities. But this incident has nothing whatever to do with the Plant Gendorf.

I learned of this Childrens' Home incident about four or eight weeks before the collapse, when Dr. Hartung's report against this representative of the DAF had already been put in.

Q Under whom was the Childrens' home? To whom did it belong?

A The Childrens' home was quite definitely under the German Labor Front, because the plant itself had its own Childrens' home.

Q The Prosecution has offered a number of other documents which refer to the concentration camp inmates working at Gendorf, specifically some file notes, and first of all, one of the 9 November, 1943, with the title, "Discussions in the concentration camp Dachau about the Calculations of Wages and Food on the 4th of November, 1943".

plants.

Mr. Ambros--

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BY DR. HOFFMANN:

Q Mr. Ambros, I wish to ask you something on the basis of some Prosecution documents. The Prosecution has offered Document NI 10695, Exhibit 1355, which deals with a childrens' home in Gendorf, or near Gendorf. Please comment on this childrens' home and its connection with the Gendorf plant.

A I am sure that there has been some mistake here. In the town of Burgkirchen, which is a town near Gendorf, there was a Childrens' home which was built by the German Labor Front. It had nothing whatever to do with the Gendorf plant, with one exception. That is, the doctor of the Gendorf plant, who lived in the town of Burgkirchen, had on his own, taken an interest in the Childrens' home. The conditions in this Childrens' home were impossible, and this doctor, Dr. Hartung, reported these conditions to the medical authorities. But this incident has nothing whatever to do with the Plant Gendorf.

I learned of this Childrens' Home incident about four or eight weeks before the collapse, when Dr. Hartung's report against this representative of the DAF had already been put in.

Q Under whom was the Childrens' home? To whom did it belong?

A The Childrens' home was quite definitely under the German Labor Front, because the plant itself had its own Childrens' home.

Q The Prosecution has offered a number of other documents which refer to the concentration camp inmates working at Gendorf, specifically some file notes, and first of all, one of the 9 November, 1943, with the title, "Discussions in the concentration camp Dachau about the Calculations of Wages and Food on the 4th of November, 1943".

THE PRESIDENT: Dr. Hoffmann, it will make for a better record if you will identify those documents by Exhibit numbers, - the Prosecution's Exhibit numbers.

DR. HOFFMANN: Mr. President, unfortunately I do not have these numbers here, but I will send for them immediately.

THE PRESIDENT: Very well.

BY DR. HOFFMANN:

Q Mr. Ambros, would you please start thinking about your answer to this question? Do you know anything about the matter?

A This visit of the bookkeeper of this plant for the Dachau Camp, - I learned of for the first time from these documents here. This is an incident which is quite unimportant. The bookkeeper did not understand that the prisoners were to be paid on a Sunday when there was no work. It was a very unimportant bookkeeping matter and I knew nothing about it.

Q You know nothing about it?

A No.

Q Did you know anything about a file note of the 24th of April, 1944, which was also submitted by the Prosecution, which reproduced a telephone conversation of the 22nd of April, 1944, with Unterscharfuhrer Heckendorf?

A No, I did not know of that either. I believe it is the same absolutely insignificant incident.

DR. HOFFMANN: Mr. President, I am now able to give you the Exhibit numbers. It is Exhibit No. 1356, in Book 69, and there is a third file note mentioned here.

Q Do you know anything about it?

A Yes.

Q A telephone conversation with Unterscharfuhrer Heckendorf.

A No, no, no I don't know that either. I thought you were talking about something else. No.

THE PRESIDENT: Dr. Hoffmann don't disturb yourself about the fact that you do not have the Exhibit number this time. Maybe it is not

absolutely necessary, but in the future when you or your co-counsel can give the Prosecution Exhibit number when you are interrogating concerning such matters, it will make for a better record.

Go ahead this time. Don't delay on account of it.

DR. HOFFMANN: Now the Prosecution has also introduced the Exhibit 1357, also in Book 69, some correspondence between you and the plant leader of the Gendorf plant, Dr. Wittwer. I should like to show you these documents, and then you can comment on them. The first one is a letter of the 22 December, '44, -- I believe it is on the 11th of December, '44.

Q That is a letter from --

A Dr. Wittwer, the plant leader, writes to me and submits to me a draft of a letter to Obergruppenfuehrer Pohl. He says that for the 260 prisoners there are twenty guards. Now some guards are to be removed, and he suggests that old soldiers who are no longer able to serve should take over this guard duty. No prisoner has ever tried to escape from Gendorf and that is why he makes the suggestion. He thinks that he would have more freedom to use these prisoners in that situation. That is, he might find a similar solution as at Auschwitz, that they would be free to move around within the camp or within the plant and not be restricted to a particular area that would be under guard. I answer, saying that he should not go to Pohl with such a thing. He actually did as I told him. In the last letter he writes to the Dachau camp, but nothing is done there because in a few weeks the prisoners are taken away anyhow. That is all.

Q How come the prisoners were taken away a few weeks later?

A This correspondence took place at the end of 1944. As far as I recall the prisoners were taken away in February from Gendorf because these prisoners were needed for some construction work, I believe in Muehlendorf; I don't know.

Q Mr. Ambros, how come this Wittwer came to you and asked you to give this letter to Pohl?

A That was actually superfluous because Mr. Pohl was at Gendorf once, although I was not present myself, but I knew Mr. Pohl too, and he assumed that I might have an opportunity to take care of the matter... I don't know.

Q When did you meet Mr. Pohl?

A I met Mr. Pohl I believe in the summer of 1942.

Q And for what reason did you make the acquaintance of Pohl?

A The first occasion was simply a visit to him, a purely official visit.

Q Why? What did you have to do with Pohl?

A That was connected with the use of the inmates at Auschwitz. He was head of the Main Administrative Office.

Q That is known, Mr. Ambros. Now, did you go to get more prisoners from him or were you arranging the use of these people altogether?

A I did not want more prisoners. All that was arranged by the order that we have been speaking about.

Q Yes.....

A But, as I have already said, we needed other things. We needed gravel, furniture, and so it happened that I dropped in on him one day.

Q And what did you want to talk about? Can you remember that? If not, please say so.

A I have the impression that I simply visited him as one might visit an official agency.

Q Was that the only visit to Pohl?

A No, he said he would like to see a Buna plant, and very soon afterwards he came with a few officers of his staff to the Buna plant at Schkopau. We showed him the Buna factory.

Q When was that?

A That was in the summer of '42.

Q And the first meeting was?

A Shortly before, perhaps in June, and the other one in August, '42.

Q Did you ever have anything else to do with Pohl personally?

A Later, in 1943, there was tension between Auschwitz and the concentration camp. There had to be some settlement of the land interests. Above all, the concentration camp had dumped its sewage just above the spot where we took the water out of the river, and that brought about a big disagreement. I believe Mr. Springorum had to call a meeting about

the matter. There were three interests conflicting: first of all the plant to the left of the Sola river, the concentration camp, and then the city wanted to expand too. Then the idea came up on the part of the city and the plant that all this had to be discussed because the conflict was becoming more acute. There was the Reichsbahn too. The station was becoming too small because traffic was expanding, and the railroad wanted to put in a big railway yard.

So the city, the plant, and the railroad agreed to suggest to the authorities that the concentration camp Auschwitz be removed because it hampered the development of industry, the railroad and the city, in a purely physical sense. And there were some other reasons, too, to the same effect.

I remember now that the first discussion was caused by the friction between the concentration camp and the plant. What I have just described was the occasion for this meeting in the town of Auschwitz which was called by the Regierungspraesident and attended by the factory, city, railway directorate and concentration camp administration; and Mr. Pohl was present.

Q So the two meetings that you had with Pohl were not for reasons of friendship, but because of disagreements?

A Yes, but still they were polite. But there was another occasion. Mr. Hoffmann, this morning you mentioned another meeting which was connected with the selection of the skilled workers for Gendorf which we have been discussing earlier. I believe that was a special meeting, but I am not certain. Perhaps I wrote. I believe I saw him again and I asked him, after the use of these 200 inmates in Gendorf had been decided upon, that as far as possible they should send us only skilled workers. And that happened. Then, as all the affidavits here show, it turned out that the prisoners were well received at Gendorf.

Q Mr. Ambors, one final question. I want to ask you again quite frankly: In all these discussions did you in any way suggest the use of prisoners?

A No, all that was regulated in advance by the big order, and I have to put it like this. All subsequent increases of the number of inmates were taken from this quota. Mr. Hoffmann, the plant could have operated in a different way, it could have started out with large numbers, but you have introduced a document today according to which, in the view for 1942, we have only 1,000 inmates, although according to the order the plant should have had to take more. These inmates were always the last ones, taken to fill up the number required when all other sources were exhausted.

Q Now, were you in any way the cause for the allocation of these prisoners?

A No, that went through the Labor Office.

Q Mr. Ambros, I want to come back to your own field -- chemistry. In the plants which you were in charge of in a technical aspect, was powder or explosives ever produced there?

A No, my activity as a chemist was to produce preliminary products for powder. These preliminary products were used in peacetime for other purposes and which in wartime could be used also, for instance, for the production of gunpowder.

Q I want to ask more directly now. Why is it that the Prosecution still connects you with this field?

A Because the Prosecution does not make a chemical distinction between preliminary product and gunpowder. Diglycol is a harmless product which you have shown us once. It is only in a powder factory, when it is combined with nitric acid, that gunpowder is produced. This produced diglycol dinitrate. Before that, it is quite harmless.

Q That is your feeling as a chemist?

A And Mr. Elias confirmed it; he is a chemist, too, and he said that I was right.

DR. KOTFLANN: Your Honor, from Book 6-A I should like to offer three documents, OA-1, Exhibit 1, OA-2, Exhibit 2; both of these documents have already been introduced at an earlier time. The next document which I offer is OA-601, Exhibit 136. This last document is an excerpt from the Record of this Tribunal but I want to introduce it because I think it is necessary for the sake of clarification. Dr. Labros, were the decisions about the further employment of the preliminary products you have mentioned in your hands or in the hands of Farben or who had the decision on this question?

A. The OKH.

Q. Was that true both before and after the war?

A. Yes.

Q. What was the gunpowder needed for before the war? For the army or what?

A. Germany was setting up a army and Germany was setting up a Navy and when soldiers are on maneuvers they have to shoot.

Q. Now, you produced preliminary products, if I understand you correctly?

A. Yes.

Q. And who produced powder and explosives from them?

A. Powder and explosives were produced by the Factory Dynamit A.G., Asag, Nobel or Iignose. All these dynamit firms are characterized by the fact of having their factories mostly in the woods far from human settlements and it has little to do with chemistry.

Q. Did you have anything to do with these plants?

A. No, I had nothing to do with them.

Q. Can a clear distinction between the preliminary products and final product be drawn in the field of powder and explosives from a technical viewpoint?

A. Yes, definitely.

Q. Could you please describe how you regard such a clear distinction?

A. The characteristics of these factories, from the chemical point of view is the treatment of all these preliminary products with nitric acid, sulphuric acid with extreme measures of precaution in small quantities. (/?)

Q. Mr. Ambros, if I understood you correctly there is a connection between your work in the field of organic chemistry and powder and explosive products only in so far as powder and explosives are based on preliminary products?

A. Yes.

Q. Would you please explain that once more with the aid of the trees which are given in the books?

A. I may refer to the benzine tree, OA-1, which shows what chemists make from benzine, toluene and naphthalene. These are all raw materials from coke. On the trunk there are various branches; for example, on the right we have dyestuffs for paper, textile fibers, pigments and the next branch has sulfa drugs and far up we have nylon. All of those are made from these coal tar derivatives, but I should like to draw your attention to the branches at the bottom at the left which shows the products of intermediates and toluene or benzine by sulfonation, chlorination or nitration. That is the technique with which the chemist has to work. Intermediates are products which are used either for dyestuffs or for explosives, a substance such as will be described later and can appear as a beautiful yellow dye in silk, but if an explosive chemist gets it in hand and puts more nitric acid in it, then we have the explosives which are used in torpedoes and have been used for about 40 years in the Navy.

Q. Mr. Ambros, please tell us again what chemical you were just speaking about?

A. Dinotrodiphenylamine. It occurs in 602.

Q. Mr. Ambros, we must proceed a little more slowly because your chemical terms are very difficult to translate. In Book 35, page 117,

the Prosecution has submitted Exhibit 591. That is also a chart if you will recall which is slightly different from yours, and it seems to me that the prosecution wanted to prove the production and necessity of these products for the production of powder, explosives and poison gas. Is the presentation which the Prosecution gives chemically correct and what is the difference between this presentation and your chart?

A. I remember, that was a presentation, starting from calcium, coke and benzol, and ending in powder, explosives and chemical warfare. If I remember correctly, a representative of the OGH or the Reich Office made this, and I imagine that he wanted to indicate that that can be produced, and therefore I answer "yes, this presentation is chemically correct," but what I am trying to show with these trees, especially with the branch at the lower left, is that such a branch may bear both! I am peacefully minded if I show these branches that grow in peace-time, but I also show the branch that grew in the war, but I have sawed it off. That is to say, my presentation is real and represents the way we chemists speak in the case of this substance dinitrodiphenylamine, and we think of a yellow silk dress with just as much pleasure, but we also remember that there are other people who may make explosives out of it during war-time, so, Mr. Hoffmann, the presentation of the Prosecution is correct, too. If chemistry is forced to concentrate everything on war production, it seems to me like a book where pages are torn out. My book shows all of the pages.

Q. Mr. Ambros, I believe it is important to ascertain what your inner conviction was when you produced these intermediates, and can you tell us specifically what your intention was? Did you intend to produce these intermediates for war or for peaceful purposes?

A. When I became head of the Intermediate Department at Ludwigshafen, we made only peace-time products and that is the nice thing about chemistry. My own inclination was towards peace-time products. Only later a part, a small part, and later a big part was taken away from

war products, but that wasn't my responsibility. That was an order.

Q. Couldn't you oppose these government orders? Did you have any reason to do so?

A. No, I could not oppose them. It has been demonstrated by Dr. ter Meer that one day all production was registered, and that then the Reich Agencies drew up programs, and the management became more and more insignificant as private enterprise and became agents of the administration.

Q. How was this steering done?

A. This steering consisted of monthly "Herstes.". That is an abbreviation for "Herstellungsauftrag" - "production orders." That meant, Berlin knew what my apparatus could produce. Berlin knew, what could be produced and now there came the order that the plant X, has to produce so and so much during the next month. That was a production order or Herste.

Q. Were you, yourself, not in part involved in this steering by the state, as the head of a technical committee or in some other function? Did you have any part in this State steering?

A. No, but I was called upon as a consultant. The organization, for example, of the Economic Group, that's the representation of the Trade Industry selected me as a Buna expert, but when all the Buna plants were built, one had to continue to work in the field, where one was an expert.

Q Mr. Ambros, I am very much interested in knowing whether on the one hand you can say "I was ordered by the State to have a certain quota production"; for perhaps on the other hand you, yourself, had some state position and ordered this production quota.

A I can answer that very clearly. I was never in any state organization. I was no state official.

Q Now the Prosecution has submitted a document in Book 20, Exhibit 438, a letter of the 27 June 1938. Do you remember this letter?

A Is this the letter to Krauch?

Q Yes.

A Is this the letter -- I don't have it here -- where it was debatable whether it is a letter at all?

Q We have discussed it here already. I asked the witness about it. This letter has no signature and no address.

A Yes, I know. According to my recollection, that was an expose for me. It did not go out as a letter to Mr. Krauch, as he himself confirmed from this witness stand. I would have used some form of address in writing to Krauch. I would not just write: Professor Krauch, and I would have signed it, and I would also have observed the external form of having written on all the pages in a similar way. I hear that the original shows different lengths. But quite aside from all that, I will be glad to explain the contents of this letter because I believe it contains ideas that I actually held at that time.

Q Mr. Ambros, first of all I merely want to ask you, was this letter, or a similar one, ever sent to Professor Krauch?

A No; as far as I can remember it was not.

Q Your Honors, I want to continue my presentation of documents, and on the question of the use of the intermediates produced by Ambros, I want to submit an affidavit by a Dr. Berthold Schnell of 20 December 1947. That is OA-602, Exhibit 137. Schnell speaks about the intermediates which are objected to by the Prosecution here, and states that in general they were used even during the war for peace-time purposes.

The next document which I offer is OA-603 as Exhibit 138. That is an excerpt from the memorandum on the Tea meeting of 22 July 1936. Ambros reports on developments in the field of ethylene -- a field which the Prosecution interprets as incriminating for Ambros. Here Ambros reports himself that the chief market in the ethylene field today is in glycols (anti-freeze) and the other solvents, and in a large assortment of various textile substances. Nothing is said in this document about powder and explosives, although in 1936 the German army was being built up, and if there had been any considerable sales or use in this field, it would have been mentioned.

A I believe in 1936 we produced a total of 100 tons of diglycol -- an infinitesimally small amount.

Q Now, something else, Mr. Ambros, how about the processes for obtaining ethylene from acetylene? Was that a process which you had alone?

A May I come back to my tree once more?

Q Yes, go ahead.

A The second tree, the ethylene tree, OA No. 2 has five roots, all of which lead to the trunk, and they show how ethylene is produced: at left cracking of alcohol, an

old and very expensive process; coke-oven gas, a cheap modern process; and over at the right, cracking of gases, an American process; electric arc cracking of ethane, a process developed at Baton-Rouge; and now the middle road, acetylene and hydrogen, to make ethylene from acetylene.

Now in answer to your question, this was a dream of chemistry in all countries for a long time, and I know that in Ludwigshafen, long before I worked there, this problem had been worked on; that is, how to make cheap ethylene from acetylene. I know that the first difficult task was this, and it was only in 1936, or rather 1937, that we had it first, since it was then that this process would work. At that time our patents came out and the whole world learned of them. They seemed to have succeeded now. That was the situation in 1938.

Q If I understood this statement of the expert witness, Dr. Elias, correctly, Dr. Elias did not deny that such things were done, for instance, in the factories under his charge, but it seemed to me that he meant to say that there were certain difficulties in the amounts of production. What can you tell us about this?

A In cross examination, Dr. Elias said this, what I pointed out repeatedly, that they had made certain other products. He said, and I quite understood this, "Maybe in America we made a few ounces; but you in Germany produced it by the ton." And I don't believe we agreed on that.

Q Well, now you have an opportunity to comment and explain your own opinion.

A I must insist on my point of view that diglycol, for instance, is an American invention, and I know that America put diglycol on the European market when we were still very

weak. I envied the Americans at that time because of this nice chemistry which we could not compete with yet; but for both of us, America and Germany, it was a peace-time chemistry. I believe I would agree with Mr. Elias on this point today too.

Q Your Honors, I should now like to offer some further documents from Document Book VI, OA-606 as Exhibit 139. This is an affidavit of Mr. Otto Roser of 17 October 1947. He speaks of ethylene-oxide products and states, "The fact that in 1939, i.e. directly before the outbreak of war, the Ludwigshafen ethylene-oxide production was so strongly throttled for commercial reasons is, in my opinion, a clear proof that in the Ludwigshafen plant and in the plant management there, no one expected an imminent outbreak of war."

He speaks of Ethylene-oxide products, and states, "The fact that in 1939, that is directly before the outbreak of war, the Ludwigshafen Ethylene-oxide production was so strongly throttled for commercial reasons, is, in my opinion, clear proof that in the Ludwigshafen plant and in the plant management there, no one expected an imminent outbreak of war."

A May I say something about that?

Q Go ahead.

A On page 17 at the top we have the monthly production of Ethylene oxide. One can see that this production was falling off before the outbreak of war. We produced none in April, and in August, immediately before the war, we produced 25 tons. That is the product which is the basis for Diglycol. Production was reduced so much at the time because Ludwigshafen production was the most expensive, and because I could not export this expensive product any more. I was not thinking of war. Otherwise, a financial consideration certainly could have been ignored at that moment.

Q Mr. Ambros, I believe I want to ask the same question I asked today at the suggestion of the President, when you had to answer yes or no -- that is, with regard to the establishment of Auschwitz, and I shall ask you here again: Were any intermediate products which were later used in any way for power and explosives, manufactured by you for the purpose of safeguarding the war potential or with a view to a war of aggression, or did you not do so? Did you want to use these products for peacetime purposes?

A I did not have any intermediate production for purposes of war of aggression.

DR. HOFFMANN: Your Honors, since I have drawn up these individual documents just as carefully as in the case

of the foundation of Auschwitz, I want to offer them in evidence to support this statement of the defendant.

Document AO-604 will be Exhibit 140. This is a memorandum of the Patent Department Ludwigshafen on negotiations with Ethylene. The next one is AO-605 which will be Exhibit 141. It is a correspondence between Ambros and Mr. Mussett, of 9 August 1939.

A (By the witness) Mussett is the representative of Shawinigan of Canada and London. Three weeks before the outbreak of war I was with him, and in September 1939 I was to meet him in Canada to work out this problem of the production of Ethylene from Acetylene for the production of Diglycol.

DR. HOFFMANN: The next document is AO-607, as Exhibit 142. This is an affidavit of Dr. Christian Zahn, of 17 July 1947. Zahn was an official technical chemist at the Army Ordnance Office, Berlin, and he states that the German Army was especially concerned to find a substitute for the raw material, glycerine, for powder production. There follows Document AO-608 as Exhibit 143. It's an excerpt from a chemical journal dealing with Diethylene Glycol and the Dinitrate. The next Document is AO-609 as Exhibit 144, also an excerpt from a chemical journal. The next Document is AO-610, Exhibit 145. It is an affidavit of Dr. Emil Ehmann, of 24 September 1947. Ehmann has appeared here as a witness several times. He says, "Corresponding to the structures of the German chemical industry, the I.G. Farbenindustrie played a leading part in the chemistry of preliminary intermediary products; however, it kept back as far as possible, contrary to the first World War, from projects of the second group, powder, explosives and poison gas."

The next Document is AO-611, as Exhibit 146, an affidavit

of Dr. Max Wittwer. Wittwer was business manager of Gerndorf. And in the years 1937 to 1939 he participated in discussions of plans in the field of Ethylene-Oxide. He says, "Dr. Ambros had nothing to do with explosives, but he did deal with the preliminary Diglycol which became important as a glycerine substitute for mine explosives and for the production of propulsive powder.

Q Now, Mr. Ambros, what does this mean, "mine-explosives" -- is that the same thing as mine explosive used for war, or was there any difference, and how was production?

A I must tell you quite honestly, I don't know. That was of no interest to me, what the explosive industry did with Diglycol or Glycol to make mine explosives. I never studied the matter and I never understood it, because this is a very complicated process, and some times it is a liquid explosive, and some time it is solid, I believe, it must have high detonation power. I only know what I learned at the university.

DR. HOFFMANN: The next Document OA-612 will be Exhibit 143.

THE PRESIDENT: Dr. Hoffmann, we have a little announcement to make. Go ahead and present that document, and what you have to say about it, and then give us a moment before we recess. You will have time enough to present 147.

DR. HOFFMANN: Very well.

This document AO-612, Exhibit 147, is an excerpt from a patent certificate and shows what was known about Ethylene chemistry was known very early, and was not secret, but was accessible to anyone.

THE PRESIDENT: Now, gentlemen, before we recess, Judge Hobert has an announcement to make on behalf of the entire

Tribunal. At the conclusion of this reading of this announcement into the record, I am going to ask him to hand a copy of it to the Secretary, so that if any of you are concerned about not having fully understood it, it will be available for you before the transcript is distributed, perhaps.

JUDGE HEBERT: Thank you, Mr. President.

The Tribunal has given careful consideration to measures which must be adopted further to expedite the trial of the case. During the current week the Tribunal conferred with representatives from the Prosecution and the Defense with regard to the necessity for adopting a definite time schedule to govern the presentation of additional evidence and to set the time for the closing arguments, briefs, and statements.

The Tribunal has also carefully considered a report submitted by Dr. Boettcher in regard to this entire subject and containing time estimates and suggestions made by counsel for the individual defendants. Based on these and earlier statements furnished by counsel of the approximate trial time to be required by each defendant, and taking into consideration the factor of the lengthened trial day adopted by the Tribunal, the following decisions are announced for the information and guidance of counsel:

1. All of the evidence to be presented, including the evidence on cross examination, must be completed not later than the conclusion of the trial day, May 19, 1948. To achieve this objective, the Tribunal, after considering the estimates referred to, has assigned the following trial time to each defendant whose case has not yet been presented. Time allowed must be considered as the total allotted time for all purposes, including presentation of documents, examination of witnesses, and examination of the defendant,

but excluding cross examination. It will be the responsibility of counsel to stay within the allotted time and to make appropriate allowance for any questions which co-counsel for any of the defendants may desire to ask on direct examination of a witness or a defendant.

The time allotted for each defendant stated in hours, and its equivalent in trial days, is as follows:

For the defendant Ambros, that is, the time after the conclusion of today's session, time allotted is 24 hours, or 4 trial days.

For the defendant Gajowski, ten hours, or one and two-thirds trial days.

For the defendant Buergin, 10 hours, or one and two-thirds trial days.

For the defendant Bueckfisch, 20 hours, or three and one third trial days.

For the defendant Haefliger, 10 hours, or one and two-thirds trial days.

The defendant Ilgner, 24 hours, or four days.

Defendant Jachne, 15 hours, or two and one-half days.

Defendant Kuchne, 10 hours, or one and two-thirds days.

Defendant Lautenschlaeger, 15 hours, or two and one-half days.

Defendant Mann, 18 hours, or three days.

Defendant Oster, 6 hours, or one day.

Defendant Wurster, 15 hours, or two and one-half days.

Defendant Duerrfeld, 36 hours or six days.

Defendant Gattineau, 18 hours, or three days.

Defendant von der Heyde, 10 hours, or one and two-thirds days.

Defendant Kugler, 16 hours, or two and two-thirds days.

The Tribunal will itself assume the responsibility for keeping the time required for cross examination by the Prosecution within proper limits. In fixing this schedule, which must be adhered to, the Tribunal deems it advisable to point out that counsel may at any time avail themselves of proceedings before the Commissioner as a means of introducing any additional evidence which counsel may desire to have the Tribunal consider. Outstanding matters have been allotted time in addition to the above as follows:

For outstanding evidence on behalf of defendant Krauch, to be presented by Dr. Boettcher, one trial day.

Outstanding evidence for the defendant Schmitz, one-half trial day.

Outstanding evidence for the defendant von Schmitzler, one trial day.

Outstanding evidence for the defendant Ter Meer on Count Two of the Indictment, one-half trial day.

For submission of outstanding documents by various counsel, one trial day.

Following the conclusion of evidence, the Tribunal will recess for two weeks, or until June 3, 1948, at which time closing arguments and statements will begin. The Prosecution is allotted two days for its closing argument. Each defendant is allotted one hour for argument, and the total time so allotted may be divided among the defendants as they may desire. Additional arguments may be submitted in briefs or in the form of closing letters. After the conclusion of the arguments, each defendant will be allowed ten minutes for his personal plea or statement to the Tribunal. All documents which are to be introduced in evidence must be delivered to the Defense Center for processing not later than

April 1. If, on account of unusual circumstances, counsel find it necessary to submit an additional document or documents, special permission must be obtained from the Tribunal before the same may be processed.

One additional matter should be noted: Counsel have not in all instances been complying with Rule XIX of the Uniform Rules of Procedure with reference to notice concerning witnesses to be called. That rule requires the party who desires to use a witness at least twenty-four hours before the witness is to be called, to deliver to the Secretary General an original and six copies of a memorandum disclosing the name of the witness, his nationality, his residence or station, his official rank or position, whether called as expert, or to testify as to the facts. Thereafter the Tribunal will require compliance with that rule.

THE PRESIDENT: Please remember, gentlemen, that we shall be in session tomorrow, but the hour of convening is nine-thirty in the morning.

The Tribunal is now in recess until nine-thirty tomorrow morning.

(The Tribunal adjourned until 0930 hours 28 February 1948)

CERTIFICATE OF COMMISSIONER

I, JAMES G. MULROY, AGO #B-397399, hereby certify that I am a duly appointed, qualified and acting Commissioner, to take the testimony of witnesses under Order of Tribunal No. 6, in the case of United States of America vs Krauch et al; that pursuant to said Order, upon the dates hereinafter listed, I have supervised the taking of testimony of witnesses examined before me, and said testimony has heretofore been properly recorded, reported and filed in the Office of the Secretary General and now constitutes a part of the official transcript of proceedings in the above case; and the dates of such examinations, names of witnesses and pages of the said official transcript are as follows:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
12 December, 1947	Paul H. Haeni	4577-4595
15 December, 1947	Karl Wolff	4596-4657
15 December, 1947	Gustav Schlotterer	" "
17 December, 1947	Kurt Krugger	4692-4710
9 January, 1948	Adolf Hoehle	4946-5024
9 January, 1948	Willi Dagne	" "
9 January, 1948	Karl Amund	" "
17 January, 1948	Alfred Zaun	5470-5512
17 January, 1948	Perry Broad	" "
6 February, 1948	Josef Johan	6826-6881
7 February, 1948	Franz Rottenberg	6957-6979
26 February, 1948	Noack Treister	7696-7732
27-28 February, 1948	Rene Balandier	7925-7963
16 March, 1948	Fritz Goernert	9288-9305
16-17 March, 1948	Gerhard Ritter	9305-9358
17 March, 1948	Heinrich Van Beek	9359-9376
18 March, 1948	Dr. Charles Bendel	9584-9616b

I further certify that the aforesaid transcript pages comprise a full, true and correct report of said proceedings, testimony and evidence heard and recorded at proceedings before said Commissioner.

Dated at Nurnberg, Germany, March 31, 1948.

JAMES G. MULROY
Commissioner of Tribunal No. 6

Official Transcript of the Commission of the American Military Tribunal in the matter of the United States of America against Karl Krauch, et al, defendants, sitting at Nuernberg, Germany, on 27 February 1948, 1400-1630, Commissioner Mulroy, presiding.

THE COMMISSIONER: In the absence of the Marshal, I will call the Court to order. Dr. Mueller, will you state whether or not all of the defendants who may be interested in this examination are now present?

DR. MUELLER: For the entire defense, I state that the defendt was informed in good time about the examination of the witness and that an objection about the absence of some defense counsel or defendant could not be made.

THE COMMISSIONER: And I will ask you also, Dr. Mueller, if you have received due and timely notice of this hearing?

DR. MUELLER: Yes, I think so.

THE COMMISSIONER: Has the Prosecution anything to say before the actual examination commences? Nothing.

MR. VAN STREET: May it please the Court, we would, that is, the Prosecution would appreciate the privilege of calling the witness to the stand, having the affidavit under question identified and possibly ask a few auxiliary questions. I wasn't aware that you had that in mind. I thought that you had preliminary matters in mind.

THE COMMISSIONER: It is customary to ask the Prosecution if there is any direct examination. We will now have the witness brought in.

DR. SCHUBERT: Dr. Schubert for the defendant, Buergin. Mr. Commissioner, I just hear that the Prosecution wants to ask additional questions. I must object to such supplementary questions. The witness has merely been announced for ~~these~~ examination about the affidavit, therefore, in view of supplementary questions, the 24-hour time limit has not been maintained and I must say that I must object to every additional question.

THE COMMISSIONER: The record will show your objection, Dr. Schubert. Mr. Van Street, did you intend to say anything in response to Dr.

Schubert's objection?

MR. VAN STREET: Your Honor, I don't think it is essential to say anything at this time. My understanding is that timely notice was given. Now, in respect to the questions which will be asked on direct, I might say that they are very few in number and, of course, they are collateral and bear on to some extent the information which is given in the affidavit. So, with the Court's permission, I will proceed with the examination.

THE COMMISSIONER: Just a minute, Mr. van Street. I think that inasmuch as the Tribunal will have the ultimate decision as to whether or not the examination is carried on properly, you may proceed with such supplemental questions as you consider necessary. The witness will be sworn. The witness will stand. Raise your right hand and repeat after me. Pronounce your name.

THE WITNESS: Rene Balandier.

THE COMMISSIONER: And repeat after me. I swear to speak without hate nor fear, to say the truth only the truth. Say, "I swear".

(The witness repeated the oath.)

THE COMMISSIONER: The witness may be seated. Mr. Van Street, have you any direct examination at this time?

MR. VAN STREET: I have about three or four questions, if the Court please, which I would like to ask the witness.

THE COMMISSIONER: You may proceed with your examination.

DIRECT EXAMINATION

BY MR. VAN STREET:

Q Mr. Balandier, will you state your full name for the record, please?

A Balandier, Rene.

Q Where do you reside.

A 22 Rue Manin in Paris.

Q I will repeat that last question. I suppose you are a citizen of France?

A Yes. I am French.

Q Now, Mr. Balandier, I come to the matter of your affidavit, which is identified as NI-7501, and which was signed by you on the 28th of May 1947. I now ask you if you have a copy of this affidavit with you?

A Yes, I have a copy with me.

Q Now, Mr. Balandier, in your affidavit you make reference to a contract, I believe. And I want to ask you, was there, or was there not any indication at the time the contract for your service in Germany was presented to you that you were going to work for I.G. Farben?

A I went to see the recruiting office in Paris. There they submitted a contract to me which contained my name -- my first name, my Christian name, and my surname. In this contract there was the provision that the IG Farben in Bitterfeld was to be my employer.

A Thank you. Now, Mr. Balandier, I am showing you a photostatic copy, at least, what purports to be a photostatic copy of the original contract which was presented to you, and I ask you to compare the original with the photostat and advise the Court if the photostat is a reproduction of the original.

A Yes. The photostat is exactly like the original which I have in my hands.

THE COMMISSIONER: I think, Mr. Van Street, at this time and hereafter in the matter of making comparisons that the paper should be marked for identification before it is presented to the witness.

MR. VAN STREET: Your Honor, I am just coming to that, but I had a purpose in mind.

THE COMMISSIONER: Very well.

MR. VAN STREET: Thank you. I now would like to have marked in evidence as Prosecution's Exhibit 1907, NI-14460, which is a photostatic copy of the employment contract of Rene Balandier.

THE COMMISSIONER: Mr. van Street, we have no clerk in attendance on the commission this afternoon, and for that reason, I shall have to

mark it then for identification and I would like for you to give it to me now so that I may make that marking.

DR. SCHUBERT: Schubert for Buergin. Mr. Commissioner, I must announce my objection to this document. The Court will, of course, decide about this objection. My reason is that the evidence, the presentation of the evidence of the Prosecution is over, that this is merely the cross examination of a Prosecution witness who has submitted an affidavit by the defendant, and that this is no occasion to submit new evidence.

THE COMMISSIONER: Dr. Schubert, you are not making any objection to this document that is to be marked for identification, but you are objecting to its being made a part of the evidence here.

DR. SCHUBERT: Yes.

THE COMMISSIONER: And the defendant - the Prosecution's Exhibit Number 1907 -

MR. VAN STREET: That is correct.

THE COMMISSIONER: Is now marked for identification.

MR. VAN STREET: I think, Mr. Commissioner, it isn't necessary for the Prosecution at this time to reply to the objection.

THE COMMISSIONER: That is at your discretion. It might be, however, that you would save time before the Tribunal if you would state anything that you think should constitute an answer to the counsel's objection, but that is at your pleasure.

MR. VAN STREET: Your Honor, I will be glad to do so. In the first place, I don't think that there has been any understanding at all of the fact that the prosecution is estopped from presenting evidence. The fact remains that in the or before the Tribunal evidence of the prosecution, new evidence, that is to say, of the prosecution is being presented practically daily on cross examination. Now, the rule under which we are proceeding is that anything of probative value is admissible. This contract, it so happened, recently came to light and we consider it of probative value and that it should under all circumstances be admitted. I think that is about all I have to say about it at this time. I would like to mention this to clarify the record, however, because mention has been made of the original contract which is in the possession of Mr. Balandier. The prosecution would have preferred to have presented into evidence the original as it is the best evidence, Mr. Commissioner. However, it was the attitude of Mr. Balandier that inasmuch as this contract had come in good stead for him, at least on this occasion, that he insisted on keeping it in his possession.

COMMISSIONER: Well, I can understand that. I will say in connection with this objection and the reply to it that the notice of which due and timely service has been acknowledged, specifies that the commission will resume taking the testimony of witnesses who will testify upon direct, cross examination, and redirect examination, so that--and that has been the procedure in all of these hearings before the commissioner, and I think that counsel is bound to recognize that direct examination is part of the proceeding here. That is all. You may proceed.

MR. VAN STREET: And by the same token, Mr. Commissioner, if I may add this, I think that we would be somewhat bound to acknowledge that the presentation of documentary evidence before this court would be a part of direct examination which is admittedly permissible.

COMMISSIONER: I think we have gone as far as we need to, Mr. Van Street. Will you proceed with your examination?

BY MR. VAN STREET:

Q. Mr. Balandier, I noticed by looking at this contract that it does not bear your signature, will you kindly tell the court why you did not sign this contract?

A. When I was shown this contract I refused to sign it.

MR. VAN STREET: Mr. Commissioner, there seems to be some mechanical difficulties. I don't hear the translation. If the interpreter would speak a little louder, perhaps it would come through.

COMMISSIONER: Let the interpreter say a few words to test the communications system. Now then, I suggest this, that when there is a question asked, especially if it is a long question, that you divide it up into pieces, give it to the translator, and let her proceed with it, and then the witness should not answer until the question has been completely understood. Do you understand that?

INTERPRETER FRANK: Yes.

THE WITNESS: I was in the recruiting office and when I was shown this contract I refused to sign it because I was obliged to leave regardless of whether I had signed it or I had not signed it. The person who submitted this contract to me told me so.

BY MR. VAN STREET:

Q. Now, when you left Paris, were you, or were you not then taken to a labor distribution camp in Germany?

A. I left Paris, I went directly from Paris to Bitterfeld. There an employee of the I.G. Farben accompanied me and my comrades into the camp of I.G. Farben.

Q. Mr. Balandier, did you say about how many Frenchmen went from Paris to Bitterfeld at the same time you did?

A. When we arrived we were about 100.

MR. VAN STREET: The witness is with the defense.

COMMISSIONER: The defense may cross examine. Dr. Schubert, representing the defendant, Buergin, is that correct?

DR. SCHUBERT: Buergin, Yes.

COMMISSIONER: Would you state for the purpose of the record whether or not the defendant, Buergin, is now in court -- is present at this hearing?

DR. SCHUBERT: Yes, Mr. Commissioner, the defendant, Buergin, is present.

MR. VAN STREET: Mr. Commissioner, I respectfully ask the court to inquire from the witness whether or not he is perfectly at ease under the present system of interpreting. There seems to be some indication that he is not, that is, according to what I have just been told.

COMMISSIONER: I am addressing the witness. Are you at this time, Mr. Witness, are you comfortable and in every respect fully able to testify as to the facts that are asked of you?

THE WITNESS: No, I do not feel handicapped. I feel quite well.

COMMISSIONER: He is in perfectly good shape to testify?

INTERPRETER FRANK: "Yes", he says.

COMMISSIONER: You may proceed, Dr. Schubert.

CROSS EXAMINATION

BY DR. SCHUBERT:

Q. Mr. Balandier, what is your profession?

A. I am an office employee, a clerk.

Q. In the year 1942 you were in a sugar refinery?

A. Yes.

Q. Do you know, Mr. Balandier, that during 1942 a law of your government, the so-called Vichy government, was made public?

THE COMMISSIONER: Before that question is answered, the witness must understand that all he is asked to say is whether or not he knows.

DR. SCHUBERT: I shall repeat the question.

Q. Do you know, witness, that during 1942 a law was made public, of the then French government, according to which a French citizen could be conscripted?

THE COMMISSIONER: Is there an answer to that question?

THE INTERPRETER: He means Defense counsel.

DR. SCHUBERT: Yes, my question was completed.

In order to pose the question for the third time --

THE WITNESS: In Germany you mean, or where?

BY DR. SCHUBERT:

Q. Witness, I asked you whether in France, where you were staying at the time, your French government in 1942 promulgated a law according to which French citizens could be conscripted for work?

A. I don't know whether there was a law, but I know that I received a paper where it said, in French, to go for a medical examination the next day.

Q. You got a piece of paper from a French agency?

A. Yes.

Q. Did you do anything about it, anything against it?

A. That would be very long for me to explain.

Q. So if I understood you correctly, you didn't do anything?

A. At that time I was injured in a labor accident. I therefore had a fortnight of leave. When this fortnight had passed I again went to work in my factory where the boss told me that I had to present myself at the German recruiting office; but on the same day, while I was not at home, two German policemen came to my home. They wanted to take me with them. They wanted to transport me to Germany. Since I didn't know where to go and hide at that time, and since I was not able to work, and since I would not have received any ration coupons, I saw myself obliged to leave for Germany.

Q. In what office, witness, was this contract given to you?

A. This was in Paris, Rue de Thurinville.

Q. What was the name of this agency?

A. There were letters of the German recruiting office at the door.

Q. In your direct examination you testified that an I.G. employee escorted you to the camp. Was this escort from your place of arrival in Bitterfeld to the camp?

A. When I arrived at the station in Bitterfeld there was no one waiting for us. We remained there for about one hour and then a policeman of the I.G. Farben plant police, in uniform, came and took us along to the camp.

Q. In your affidavit, witness, you stated that until the 2nd of June 1945 you remained in Bitterfeld, and that during this entire period of time you could not go home. Do you know -- I withdraw this question. You were single at that time, is that right?

A. Yes.

Q. Do you know that single workers according to the regulations, could ask for a trip home only after they worked there for one year continuously?

A. Yes, of course I know that.

Q. And do you also know that after the expiration of this one year and the claim for a visit home would be granted to you within another

six months.

1. I know only that when I left I had in my written contract, one year. This means that after one year I would have been free to return to France and I should not have been obliged to return to Germany then.

Q. But you didn't sign that contract, did you?

A. No.

Q. Did you ever get any piece of paper from any agency which conscripted you for work?

MR. VAN STREET: Your Honor, I object. I think this is repetitious. We are going over the same ground, and we'll be all afternoon on a matter that should take an hour and a half. Counsel has gone through that before.

DR. SCHUBERT: No, I have not asked that yet.

THE COMMISSIONER: Go ahead, with your examination.

A. (By the witness) I said already that in France I had received, before leaving, a piece of paper which was written in French; and in this paper it stated that I had to present myself for a medical examination, and that if I did not show up for this medical examination --

Q. May I interrupt you, witness. So this is the only official document which you received?

A. Yes, the paper saying that I had to present myself for a document which you received?

A. Yes, the paper saying that I had to present myself for a medical examination and the contract are the only official papers I had ever received.

THE COMMISSIONER: That is fully answered, Dr. Schubert; can you take up another subject?

A. (By the witness--continuing) On this paper it was stated that I would be regarded as having infringed the rules if I did not present myself for this medical examination.

Q. (By Dr. Schubert) And that was this document of the French agency, if I understood you correctly?

A. Yes.

Q. Witness, did you ever receive a compensation in Bitterfeld for your leave, or instead of your claim for your leave?

Q. But you didn't sign that contract, did you?

A. No.

Q. Did you ever get any piece of paper from any agency which conscripted you for work?

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A. (By the witness--continuing) On this paper it was stated that I would be regarded as having infringed the rules if I did not present myself for this medical examination.

Q. (By Dr. Schubert) And that was this document of the French agency, if I understood you correctly?

A. Yes.

Q. Witness, did you ever receive a compensation in Bitterfeld for your leave, or instead of your claim for your leave?

A. No, I never received any money.

Do you want to say for the leave I did not take?

Q. Yes.

A. That is for the leave which was never granted to me, not for the leave I had never availed myself of?

Q. I think that is quibbling. I want to ask you whether you accepted any money for the leave which could not be granted to you for your trip home.

A. I have already said that I never received anything, and I have never heard any of my comrades say that they had received anything whatsoever.

Q. Mr. Balandier, I am going to show you one document here. I would like to submit it for identification. It is my Document No. 25 in my Document Book No. V I, which I shall submit when I present my case.

THE COMMISSIONER: Will you have it marked for identification first. Dr. Schubert? Just pass it to me.

DR. SCHUBERT: I will identify it as a Buergin Document No. 1.

THE COMMISSIONER: Pass it up to me so that I may mark it for identification.

BY DR. SCHUBERT:

Q. Is that your signature, Mr. Balandier?

A. Yes.

Q. Can you read German, Mr. Balandier?

A. No, not one word.

Q. Would you please return this document to me?

THE COMMISSIONER: I should like to have it so that I may mark it for identification. That is number one?

DR. SCHUBERT: Yes, sir, it is number one.

THE COMMISSIONER: Buergin Document No. 1 has been marked for identification and returned to Defense Counsel.

Q. (By Dr. Schubert) Mr. Balandier, will you deny that on the

17th of March 1944, you received 35 Marks as compensation for leave?

MR. VAN STREET: Mr. Commissioner, that document is dated 1943, and the witness in answer to a direct question said that he didn't understand German. The document is in German. So before the witness can intelligently answer that question, that is the last question which was directed on that particular document, I believe the document should be translated to him.

THE COMMISSIONER: Well, as I understand it the question which Dr. Schubert asked the witness is, did he ever receive 35 Marks, is that correct Dr. Schubert?

DR. SCHUBERT: Yes.

THE COMMISSIONER: I don't think that has any reference to the document itself.

MR. VAN STREET: Does it, or doesn't it? I beg your pardon, I thought it did.

THE COMMISSIONER: I think that is an independent question.

DR. SCHUBERT: It is a question, Mr. Commissioner, which does have some connection with this document.

THE COMMISSIONER: If the question is connected with this document it would be necessary for the witness to have it interpreted in German.

DR. SCHUBERT: Perhaps the interpreter will be kind enough to interpret it for him.

THE COMMISSIONER: Please, I will ask the interpreter to interpret it to the witness in French, and then read the document into the record, in English.

(The Interpreter addresses herself to the witness.)

DR. SCHUBERT: Mr. Commissioner, I don't see that there should be a lot of private conversations here. I asked the witness a clear question, and the text has already been translated into English, and finally the witness should answer candidly and openly.

THE COMMISSIONER: I think that is correct, Dr. Schubert. I will

ask the translator to read this through in French, audibly, so that it will go on the sound tract.

THE INTERPRETER: In English?

THE COMMISSIONER: No, in French. The witness does not need to answer. You just read it in French.

(The Interpreter reads in French.)

DR. SCHUBERT: May I suggest, in order to make it short -- please don't read the whole first part, but just what is below the line, and which begins with the words, "Furlough Compensation." That would be quite sufficient.

THE COMMISSIONER: You may comply with that.

(Interpreter continues reading in French.)

THE COMMISSIONER: Now, then, ask the witness the question that you have to put to him, and let him answer it.

You may proceed, Dr. Shubert.

BY DR. SHUBERT:

Q. Mr. Balandier, you said before that neither did you ever receive such a furlough compensation, nor did you ever hear that any of your colleagues received such a furlough compensation. Do you want to maintain this testimony or do you want to correct it?

A. There is one thing I must say: There is a difference between leave and permission.

Q. May I interrupt you, witness? I asked you whether you want to correct your statements or not. Answer that with "yes" or "no". That's a very clear question.

A. I would like to know whether this paper which has been given to me is in connection with compensation for the permission, which I did not obtain, or whether it is in connection with compensation for leave at the end of the year.

Q. Witness, it isn't that you ask me questions, but I am the one to ask the questions. I ask you once again, did you get 35 RM or did you not get them, and do you maintain your testimony that neither you nor any of your fellow workers ever received such compensations?

MR. VAN STREET: Your Honor, counsel is perfectly right. Ordinarily the witness should not ask counsel a question, but here the witness was very obviously and sincerely asking for enlightenment, and I think that the counsel should answer the question. Now, that's Point No. 1, and now I should like to make another point.

Permitted this to go along without any objection because I thought that it could be gotten over with sooner than it has. But there's some question in my mind, Mr. Commissioner, as to materiality. There's no mention of compensation at all in the affidavit. Concerning that line of questioning pertaining to compensation, Mr. Commissioner, I might point out that there's no mention of pay or compensation

in the entire affidavit, so I'm just wondering whether or not this line of questioning is material. Now, if you think, Mr. Commissioner, that it's going to be helpful I don't want to press my objection.

THE COMMISSIONER: But you want your objection entered into the record. Is that correct?

MR. VAN STREET: Yes, sir.

THE COMMISSIONER: Now, Dr. Schubert, for the purpose of the record, I would like you to state how this question is material or how it is connected with the affidavit.

DR. SHUBERT: Mr. Commissioner, in the affidavit the witness states that he didn't get any furlough and that he never had any possibility to go to France. My question is connected with this matter of the furlough. Furthermore —

MR. VAN STREET: Mr. Commissioner, this would appear entirely unsatisfactory. The witness is not hearing any of this. In other words he is apparently connected only partly to the proceedings. He certainly should have this translated.

THE COMMISSIONER: Well, I can see that there has been some little difficulty about the matter of translation, and in order that that may be cleared up, I think it may be well for us now to take a short recess and let everybody get straightened out on just how the order of things is to be conducted; so I'm recessing this hearing for five minutes.

(A short recess was taken.)

THE COMMISSIONER: We resume the examination of the Witness Bauldiar. My attention has been invited to the difficulties of translation here. As a matter of fact, it was evident almost from the beginning that we were having trouble. Dr. Mueller has suggested a process which he thinks will make this thing easier and smoother; and I think we will -- unless there is some objection -- proceed according to Dr. Mueller's idea, and he will ask the questions -- such question as you, Dr. Schubert, may wish to put to the witness.

You may proceed.

DR. SCHUBERT: Mr. Commissioner, I merely wanted to finish the explanation which I had just started. I had explained how my question was connected with the affidavit, and, in addition, it is also a question of credibility of the witness, because previously the witness had clearly and expressly stated that he never received any compensation for furlough, nor did he ever hear that any of his fellow workers received such compensation.

MR. VAN STREET: Now, to make the record complete, I think what counsel has just said must be said in French so the witness can hear it.

THE COMMISSIONER: I thought that was being done.

MR. VAN STREET: Apparently not.

THE COMMISSIONER: I think it will be necessary to put ear-phones on the witness and then give it to him in French.

Now, I'd like to say to the witness -- will you translate this to the witness, please. I'd like to say to the witness that you are not to permit yourself to be embarrassed by the apparatus of any difficulty that we are having in taking your testimony. You will please understand that you are at liberty to testify fully and freely in answer to any questions that are put to you. You should not add anything to what you say besides a simple response to the question.

Do you understand that?

THE WITNESS: Yes, your Honor, I understand it.

THE COMMISSIONER: Did you have something to say, Mr. Van Street?

MR. VAN STREET: Mr. Commissioner, I would still like to have the witness apprised of what counsel has just said concerning his credibility.

THE COMMISSIONER: Yes, I think that should be done. I think perhaps the best way to do it would be for counsel, if possible, to repeat substantially what he has said in regard to the former interrogation and the purpose of it.

(The court interpreter repeats the text for the benefit of the witness.)

BY DR. MUELLER:

Q. Mr. Witness, I now ask you whether you received 35 RM as compensation for your furlough.

THE COMMISSIONER: The witness may answer.

A. I can't remember.

DR. SHUBERT: Mr. Commissioner, we've agreed that it would be simpler if I asked my questions, and, at the same time, the Translator will interpret into French. Otherwise, the difficulties will be too great.

THE COMMISSIONER: Of course, I'm willing to do it any way that seems most convenient, and I'm willing to try almost anything to find out what is convenient; so let's go ahead then. You go ahead that way.

BY DR. SCHUBERT:

Q. Witness, in your affidavit you spoke of police guards around the camp. Were you able to leave camp and go to town to the movies or other entertainment, or were you hindered from doing so?

THE COMMISSIONER: You may answer the question, witness.

THE WITNESS: Yes, I had the right to leave the camp and go to the movies.

BY DR. SCHUBERT:

Q. Do you know that many workers made use of this opportunity on Sundays to go to Leipzig or to some other neighboring city?

A. I know that some workers did go to Leipzig, but only with proper travel papers from the factory. It was forbidden to travel about in Germany. In trains the fellow workers were constantly asked for their papers by the German police.

Q. Have you finished, witness?

A. At the moment, I don't see anything more that I could add.

Q. Witness, do you know that anyone traveling in Germany at that time was subject to police control?

A. I did not know that the Germans were also being supervised or inspected. Since I had no contact with Germans and did not know any German, I had no chance to speak to them about the matter.

Q. Witness, in what department of the factory did you work?

A. In the beginning I worked in the Power Station.

Q. And later?

A. In July of 1944 I was transferred to a different workshop, called "Elektrodenbetrieb".

Q. What work did you do in the Power Station?

A. In the first two months I repaired generators, then, for one month, I worked in the boiler house. However, because I was not very strong, I asked the engineer, who was the head of that department, to give me different work. After several requests I finally succeeded in getting different work, and I was put to supervise the work on

generators and dynamos. I worked there until June 1944, and then, without any reason, I was sent to the "Elektroden plant", where the work was much more strenuous, and also less healthy.

THE COMMISSIONER: Just a moment, please.

Did you have something Mr. Van Street?

MR. VAN STREET: Your Honor, I just wanted to say this one thing. I see we have present in the room an interpreter who has done so-called subsequent interpreting frequently, and if you think it would be more expeditious to change back to the old system, we would be glad to do that.

THE COMMISSIONER: I was going to say, Dr. Schubert, that for some minutes, at least, I have not been aware that any questions were asked the witness, they certainly have not been coming through my earphones, and I have been hearing the witness testifying, apparently, on his own steam.

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DR. SCHUBERT: Just now the witness was still answering my last question.

THE COMMISSIONER: So there have been no questions missed, is that correct?

Mr. Van Street, did you have something?

MR. VAN STREET: Your Honor, the position we are in, the questions aren't coming through so far as I'm concerned. I'm not in a position to object.

THE COMMISSIONER: Counsel has just said that he just asked one question way back in the afternoon and the witness has been answering that same question all this time. That is the way I understand it.

MR. VAN STREET: Mr. Commissioner, for the purpose of expediency I would like to suggest that we go back to the subsequent interpretation plan.

THE COMMISSIONER: What do you think about that Dr. Schubert?

DR. SCHUBERT: I am of the opinion that this functions much better than before. If, of course, the translator should be replaced that is all right, but I am of the opinion that this works pretty well, much better than before.

THE COMMISSIONER: I am hearing what you are saying. The interpreter is passing it on to me, but for some little time I haven't heard any questions. I just heard the witness testifying and the question comes up in my mind as to whether or not there is something being missed from the record.

I think we better go on just as we are for a little bit. If it proves impossible, we can always change it. You may go ahead, Dr. Schubert, please.

CROSS EXAMINATION (Continued)

BY DR. SCHUBERT:

Q Witness, you were going to tell us about your work at the Electroden plant.

A I was told to explain the kind of work I was doing. In the Electroden plant I was in charge of taking the headings off the tools with acid, that is, sulphuric acid and chlrohhydrate acid and I also had to put chloride. These broken electrodes that had been used were repaired there and the interior of the electrode had a very thin leather pellicle and it's just this leather pellicle which had to be attacked by the acid.

In other words, I took these electrodes, I placed them in the interior of a big container containing about 2500 kilograms and once the container was filled, I threw the acid on these pellicles, that is, on the metal.

Q May I interrupt, witness. Did you become ill on account of the work?

A I very often coughed on account of the emanation from this acid and to this day I have a stomach ailment. This was caused by that work and also by the insufficient food we received at the same time. That is, the food that was distributed to us in the camp.

Q Witness, do you now work in Paris?

A I am in an office there and work as a clerk.

Q In which camp were you in?

A I was in camp Lager Marie.

Q At what plant did you work?

A I worked in the factory plant South.

Q In your affidavit you wrote that it was two kilometers to go from the camp to your factory. How did this two kilometers come about?

A We didn't have kilometer stones but when we walked that way we found out that it was about two kilometers.

Q Did you count the way from the factory gate to your work place or from the camp gate to the factory gate?

A When I worked at the power station I had to go through the whole area, about 400 meters but at the Electroden plant I was right at the gate. In other words, I counted about 2 kilometers to the Power Plant, about twenty minutes of walking.

Q Witness, did you know that the German workers had a much longer way to go?

A I suppose so, but there were a certain number of them who took the train to work. We had no train at all to go to the factory.

Q Witness, you also mention the camp and that it was infested with vermin.

A Yes.

Q Was nothing done against that?

A During the whole period of time when I was in the barracks they were overrun by vermin. There were bugs everywhere. Very often the walls and floors had holes and the rats would get into the rooms.

Q. Witness, I am afraid you didn't understand my question. My question was whether anything was done about it?

A. Once in a while, about every second or third month, we would be led to another barracks for about one day, and during this period they would disinfect our barracks with sulphur.

Q. Do you remember that in Camp Maria there was a delousing hut?

A. Yes, there was a place next to the laundry shop. There was a place where the men who had lice could go for decontamination.

Q. Witness, were there Germans in the camp?

A. In the camp there were no Germans except the Camp Commandant.

Q. Witness, do you know whether in other camps at Bitterfeld German workers were lodged -- for instance, in Camp Antonia?

MR. VAN STREET: Commissioner, I object to the immateriality of this question. I don't see where it has anything to do with the contents of the affidavit.

THE COMMISSIONER: What do you have to say to that, Dr. Schubert?

DR. SCHUBERT: As far as I am concerned, I think the question is relevant.

THE COMMISSIONER: Counsellor Van Street raises the point that it is not within the scope of the affidavit. Will you point out where your examination is relevant to the affidavit?

DR. SCHUBERT: Your Honor, in his affidavit the witness raises a general complaint with regard to the fact that foreign workers were particularly badly treated. My question has the aim of ascertaining that German workers were kept under the same conditions in the camps.

THE COMMISSIONER: Well, we know the rule about cross-examination, that there is a great liberality permitted. You are as anxious as anyone to make these hearings brief, and I hope you will not elaborate on these points unnecessarily, but you may go on with your questions.

BY DR. SCHUBERT:

Q. Witness, do you know whether in other camps of Bitterfeld -- that is, for instance, in the camp Antonia, there were also German

workers?

THE INTERPRETER: Your Honor, excuse me. I have been informed that part of the proceeding is not going on the sound track.

THE COMMISSIONER: Do you know how much is missed?

THE INTERPRETER: We will have to go back to the subsequent interpretation.

THE COMMISSIONER: I think under the circumstances we should call a recess for about five minutes so that we can discuss the matter off the record. There will be a recess for five minutes, and arrangements can be made to ascertain what has been lost, and pick it up later on. That's all.

(The Commission took a recess.)

THE COMMISSIONER: Very well, Dr. Schubert, I think we can resume, and we will finish this examination this evening. You may go ahead, Doctor.

BY DR. SCHUBERT:

Q. Witness, did you have communal feeding in the camp?

A. Yes, we had a canteen there.

Q. Witness, in your affidavit you said that you had to use all your wages in order to buy additional food?

A. Yes, as in our canteen we received very mediocre food, both in quality and quantity, we had to use our pay to buy additional food stuffs from other comrades of ours who -- I don't know through what channels, -- procured food for themselves. For instance, they would receive parcels from France, but at any rate this was the only way out for us because otherwise we couldn't have outlived the conditions there on the food we actually received.

Q. Witness, did you receive additional ration cards which you could use as you wanted?

A. Only during the last months when I worked at the Elektrode plant I received an additional ration card.

Q. Was that a supplementary ration card for heavy workers?

A. Yes.

Q. Witness, did you send part of your wages home to France?

A. I did transfer some money from my pay to France, but the only reason was that I sent it to my parents in order to enable them to buy food for me and to send those food stuffs back to me in Germany.

Q. How much did you send to France, do you remember how much it was?

A. I couldn't give you the exact figure, no.

Q. Was it a lot or a little?

A. I would say it wasn't exactly much.

Q. Was it more than a thousand marks or less, do you remember that?

A. Oh, certainly less than a thousand marks.

Q. At any rate it is not quite correct what you said in your affidavit

that you had to use all your pay in order to buy additional food?

A. Yes, that is correct.

MR. VAN STREET: Mr. Commissioner, I am not sure that I understood the answer to that question. I am trying to find out whether or not the answer "yes", meant what he said in the affidavit is correct, or what he said in the affidavit is not correct.

INTERPRETER TREIDELL: The answer was that what he said in the affidavit was correct.

BY DR. SCHUBERT:

Q. Witness, in that case, do you withdraw your statement that you made payments to France, because you testified that you used all your pay for buying additional food?

A. I am afraid counsel is indulging in hair splitting there. I said that I sent money to France to have my parents buy food for me. At the same time, I said that I used up my pay to get additional food stuffs. Now, I don't see where the big difference is in buying the food stuffs in Germany and my having them sent from my parents from France on account of the money I sent to them.

Q. Witness, in your affidavit you say that by buying additional food you were liable to be punished by the Gestapo. Now, do you want to assert that the buying of food in France made you liable to punishment by the Gestapo?

A. Of course what my parents bought for me in France did not expose me to any punishment by the Gestapo, but what I did purchase at the same time as additional food in Germany, because I did purchase additional food, that is what exposed me to punishment by the Gestapo.

A. Yes, because I remember myself that in the canteen where these things usually were indulged in, some of my comrades would negotiate these matters, and then the camp commandant saw one or the other of them and would then bring them to the police office. I forgot to tell you that in the camp there was a police office. It was not civilian, and the camp commandant would bring these people to the police office and turn them over to them.

Q. Witness, I have just understood you to the effect that this was a city police office, is that correct?

A. Yes, municipal police, but you cannot pin me down on that word because I wasn't sufficiently well acquainted with the German language and the German customs to tell you whether that was actually municipal police or Gestapo.

Q. Witness, was there a sick-bay in your camp?

A. Yes, there was a barrack which was the dispensary.

Q. How many inmates were in your camp?

A. There were no inmates, no captive inmates in my camp. They were all free workers like myself.

Q. I think we misunderstood each other, witness. I didn't ask who was there, but how many were there?

A. 7,000.

Q. Do you mean in the Camp Marie?

A. Yes, about 7,000.

Q. I suppose you mean in all camps together?

A. I didn't go and count them one by one you know, but at least I knew there were more than 30 barracks in the camp.

Q. Witness, do you know that you were allowed to go to doctors in Bitterfeld whenever you felt ill?

A. No.

Q. You were never ill, were you?

A. That conclusion doesn't follow. I was sick several times, but in our camp there was a physician for us, so I never went to Bitterfeld.

Q. Witness, do you know that in the camp Marie a large hospital was built which was later destroyed in the air raids of 1945?

A Yes, I saw this hospital when it was in construction but I think that I can remember that the very day of its intended opening there was an air raid and that, therefore, it was never used.

Q Witness, do you know that those patients who had to go to the hospital were sent to the Bitterfeld hospital?

A Yes, but in order to be admitted to go to Bitterfeld, you had to be so sick that it was almost hopeless.

DR. SCHUBERT: May I point out an error in the translation. As far as I understood, the witness said that the patient had to be "malade extreme" it was translated as hopeless.

THE COMMISSIONER: Let's settle on the correct translation. What will it be.

INTERPRETER TREIDELL: I don't think, Your Honor, that there is a difference.

THE COMMISSIONER: You translated it correctly in the beginning?

INTERPRETER TREIDELL: I think so, Your Honor.

THE COMMISSIONER: Very well, let's proceed.

INTERPRETER TREIDELL: It could, of course, be translated as, "sick to the very extreme", but I think that the inference is the same.

THE COMMISSIONER: Very well, go ahead, Doctor, please.

QUESTIONS BY DR. SCHUBERT CONTINUED:

Q Witness, you say that the camp leader was a foreman (meister). What do you mean by that?

A Camp Commandant is Lagerfuhrer; while the word "Meister" has to be applied where the foreman is concerned.

Q You mean previously he was a foreman?

A Not necessarily, I ignore all that.

Q But you said so.

A Where?

Q You said "Camp commander was Meister...."

A I think, Counsel, you have misunderstood that and the confusion arises from the fact that the German word for the French word "Maitre",

which means at the same time boss and Lord, is the word Meister which can also mean foreman. The sentence here in French, "Dans le camp, le Lagerfuehrer etait maitre," means in English, in the camp the commandant was the only Lord.

Q So, you did not mean to say that he was a foreman of the I.G.?

A When you use this sentence in French, that is, when you say, he is maitre of this camp or of this matter you mean by that that the camp practically belongs to him, that he can do there whatever he pleases. That has nothing to do with being a foreman in a factory.

Q Did you ever go to the punishment camp Allersherau?

A No.

Q How do you know that when workers were sent to the punishment camp Allersherau, the duration of their stay was determined by personnel of the I.G. Farben Concern?

A Yes, I have even a comrade of mine of this camp whom I still see quite often and who told me at the time that very often he was in that camp Allersherau and that very often in the camp they would get information with regard to the work done by this man in the factory and also that after a certain period of time the foreman of the factory himself would come and fetch the prisoner.

Q So you only know about that from hearsay?

A You are going a little far to say, from hearsay. You see, these comrades were there with us. They were sent to this disciplinary camp and I saw the state they were in when they came back.

Q Do you mean the Mr. Lalleveit?

A No, I am not talking of Lalleveit. I am talking of another one of my comrades.

Q Witness, you also mentioned Russian workers. Were you ever in a Russian camp?

A Yes, I went to the camp of the Russians but only after the liberation by the American troops, not before.

Q Was the camp surrounded by barbed wire at that time?

A Yes, there was barbed wire until the very end. I always saw it.

Q Even in 1945?

A What do you mean by, even in 1945?

Q I mean as late as 1945?

A Yes, the camp was surrounded by it until the very end, until I left. I always saw barbed wire.

Q Isn't it possible that you mix that up with a prisoners of war camp?

A No, that possibility does not exist.

Q So you still say that your statement in the affidavit holds good that the Russian camp was guarded by German soldiers?

A Yes, I have seen these German soldiers in the Russian camp.

Q By that you mean even in 1945 when the Americans arrived?

A No, that is ridiculous. Of course not. When the Americans were there the Russians could go out of the camp and come in when they wanted, of course.

Q But if you had never been in the camp before it was liberated by the Americans, witness, then I don't know how you can have seen the German soldiers in that camp.

A You see, a barbed wire fence is made out of barbed wire and I think it might be admitted that you can see through it.

Q Witness, perhaps you got mixed up with the uniforms, perhaps that was the factory guard uniforms you saw. Do you think you might have mistaken them?

A No, plant police were dressed in grey uniforms and also the uniform was different.

Q Witness, what sort of work was carried out by those Russian Children of 12 to 14 whom you mentioned?

A A certain number of these children were brought into the factory where they had to do hard, unhealthy and complicated work. Some of them were trained to do arc welding. I have seen some of them myself when they welded with the electric arc. I could describe quite a number of the kinds of work they did but I think that would go into too much detail.

Q. How did you know that those children were less than 14 years old?

A. I think, counsel, that when you look at the face of a person and take that with his size and figure you can get a pretty good idea of whether a person is younger or older than 14.

Q. Thank you. That is enough.

Now, witness, how were you able to describe this so-called ceremony in the Russian camp, where allegedly on several occasions Russians were hanged? How were you able to describe this if you never went to the camp?

A. On a certain night when I returned to my camp from work I saw an unusually large police deployment, a lot of police force around this Russian camp. I asked my comrades what the meaning of that was, and they told me that several gallows had been set up in the Russian camp. Well, we went down to the neighborhood of the Russian camp, near enough to see, and we saw that the camp commandant and the soldiers got all the Russian workers out of the barracks. I myself saw the gallows standing there in the interior of the camp. After the Russian workers had come out of their barracks I personally left, but my comrades remained there in the vicinity of the Russian camp, and when they came back and told me that they had seen them hang the Russians, and they even told me in more detail that they had seen hanged three male Russians and one female Russian.

Q. Now, please tell us about the other cases where Russians were hanged.

A. There were also other instances, but the best memory I have is of this particular one.

Q. How do you know there were other instances?

A. Well, because at other instances I also saw the same ceremony, but I didn't pay any attention.

Q. Did you not inquire as to what was happening to them in other instances?

A. Of course I asked what it was all about, and we would talk amongst ourselves in the camp about it, and the Russians would tell us about it in the factory, too. But, as I said, I have no exact recollections as to how many Russians were hanged at the other occasions, and I don't even know how many occasions there were. My memory is quite concise with regard to that one instance I just described, however.

Q. Now, please also tell me what exactly did you see on the other occasions which you mentioned.

MR. VAN STREET: I object to that question. I think---

THE COMMISSION: State the reason for your objection.

MR. VAN STREET: Well, I think he is attempting to harass the witness. The witness has answered the question. He says he remembered this one express instance and remembers in a general way other instances, and I think the ground is well covered. I don't see any purpose in pursuing it further.

THE COMMISSION: What was the last question?

DR. SCHUBERT: My last question was what the witness did see on the other occasions, and I think I ought to find this out from this witness, in order to check up on his memory.

THE COMMISSIONER: Well, the question might be admissible as going to the credibility of the witness, but as to the facts themselves it seems to me that the witness has testified fully. Unless you think that further inquiry would be helpful, why I think you should go to another subject, Dr. Schubert.

BY DR. SCHUBERT:

Q. I'd like to ask another question with regard to the French PW's. In your affidavit you say that the French PW's were used to produce gun powder. Is that correct?

A. In the factory several kinds of powders and also quite a number of other products were manufactured. Then in the work-shops where we worked with the electrodes a certain amount of chlorates were manufactured, and these chlorates are explosive powders. I remember that the chief of my work-shop, my foreman, always told me not to approach these powders with an open flame because they were explosive. I also know that in that same work-shop P.I.'s did work. Besides that, we were in time of war, and I think that practically all that was produced in this factory went directly to war material.

Q. Witness, did this factory produce gun powder or not?

A. I don't know.

Q. I have no further questions.

THE COMMISSIONER: Are there further questions on cross-examination.

DR. SCHUBERT: No, Your Honor.

THE COMMISSIONER: Have you any re-direct?

MR. VAN STREET: With Your Honor's permission I have a few questions.

THE COMMISSIONER: Please proceed.

REDIRECT EXAMINATION

BY MR. VAN STREET:

Q. Mr. Balandier, I'm going back to what you termed the "German recruiting office in Paris." And I now ask you when you went there in connection with your coming to Germany what language was predominantly spoken? That is to say, was French or German predominantly spoken?

THE COMMISSIONER: Mr. Van Street, in about two minutes the film will run out. Can you get it within that time limit?

MR. VAN STREET: I'm afraid not, Sir. I have about six or seven questions, and it will probably take fifteen minutes.

THE COMMISSIONER: In that case, then, we'll probably have to come

in tomorrow morning.

I'll recess this hearing until 9:30 tomorrow morning.

(The Commission adjourned to resume session at 9:30 28 February
1948.)

Official Transcript of hearing before a Commissioner for Military Tribunal VI, Case VI, in the Matter of the United States of America against Karl Krauch, et al, defendants, sitting at Nuernberg, Germany, on the 28th day of February 1948, Commissioner James J. Mulroy presiding.

THE COMMISSIONER: Is the Prosecution ready to proceed with this hearing?

MR. VAN STREET: Yes, Your Honor.

THE COMMISSIONER: Are you ready, Dr. Schubert?

DR. SCHUBERT: Yes, Your Honor.

THE COMMISSIONER: All right. You may proceed.

MR. VAN STREET: May it please the Court, as I indicated last evening I have only a few questions to ask on re-direct.

RE-DIRECT-EXAMINATION

BY DR. VAN STREET:

Q. Now, Mr. Balandier, you indicated in your cross examination that this office to which you went in Paris was a German recruiting office?

A. Yes.

Q. I now ask you, what language was mostly spoken in that office?

A. The persons who were in that office spoke German.

Q. Mr. Balandier, you have indicated that you did not read German. Now, is that, or is that not, right?

A. Yes, that's right.

Q. Now, you have also indicated that you did not remember receiving the 35 Marks which was shown on the paper that Defense counsel showed you, said paper being in German. Is that right?

A. I received the 35 Marks, and I signed the paper in order to have those 35 Marks, but I have no exact recollection of having received them.

Q. Thank you. Now, assuming that you did receive the 35 Marks, and the paper would indicate that you did, had you rather have had those

35 Marks, or had you rather have been permitted to have gone to Paris on a leave trip home?

A. I would have liked to return to Paris to my home.

Q. Now, Mr. Balandier, in connection with your use of the words "Free Workers" in your cross examination -- just to clear the record-- do you, or do you not, mean free workers as opposed to prisoners of war?

A. I don't think, Mr. Prosecutor, that I have used the words "free worker" yesterday because I never assumed that I could be free when I worked in Germany.

Q. Thank you, Now, Mr. Balandier, was, or was not, the camp commandant -- I am speaking of the particular camp that you were in -- a Farben employee?

A. The camp commandant was an employee of the I.G. Farben. Besides that, the clearest indication is that in the inside of the camp itself was the cost of arms of the I.G. Farben.

Q. Now, there was some testimony yesterday on cross examination in respect to the different kinds of guards. I now ask you, did, or did not, the Farben guards, or the so-called "werkschutz" have the identification of I.G. Farben on their uniforms?

A. Yes, The plant police had a gray uniform, and on their cap they had the insignia of the I.G. Farben consisting of an "I" and a "G".

MR. VAN STREET: Mr. Commissioner, that concludes our re-direct.

THE COMMISSIONER: You may continue with re-cross examination.

MR. SCHUBERT: I shall be very brief, Your Honor.

RE-CROSS EXAMINATION

BY DR. SCHUBERT:

Q. Mr. Balandier, with regard to this item of the 35 Marks, you have not given us three different answers. First you have said that you did not receive it; secondly, you said that you did not remember;

and finally, you said that you signed the document in order to get 35 Marks. Now, I would really be interested to know from you which of your three answers is really true.

A. It is now three years already since I have come back to France, and on such a question my memory can fail. I did not know about the 35 Marks, of course, but when I was shown the paper with my signature on it I could not deny that I had received them, but I had no recollection of when I had received them, how, and, in the last analysis, why I had received them.

Q. Therefore you do not remember very clearly the incident which happened three years ago and longer?

A. There are certain things, that engrave themselves on the memory of a man, others don't. There are certain matters I can recall with certainty. I received the money every two weeks, I would receive my pay; at least, 35 Marks was such a small, trifling sum that I didn't remember. But the other things I can remember very well and will remain anchored in my memory forever.

Q. Witness, you told me yesterday that the camp commander was not an employee of I.G. Farben. Today you say the camp commander was an employee of I.G. Farben. Here again I would be interested in knowing which of your answers is your definite opinion.

A. I didn't say yesterday that the camp commandant was not an employee of the I.G. Farben.

Q. Then we are of a different opinion, Mr. Witness.

Witness yesterday after your testimony here did you talk to any member of the Prosecution?

A. I have spoken with some gentlemen from the Prosecution but we did not discuss anything that is connected with these trials.

DR. SCHUBERT: I have no further questions.

THE COMMISSIONER: Is there anything further from the Prosecution.

MR. VAN STREET: No, Your Honor.

Official Transcript of Military Tribunal VI,
Case VI, in the matter of the United States of
America against Karl Krauch, et al, defendants,
sitting at Nuernberg, Germany, on 28 February 1948,
0930, Justice Curtis G. Shake, presiding.

THE MARSHAL: The Honorable, the Judges of Military
Tribunal VI.

Military Tribunal VI is now in session. God save the
United States of America and this Honorable Tribunal.

There will be order in the Court.

THE PRESIDENT: Make your report, Mr. Marshal.

THE MARSHAL: May it please your Honors, defendants
Haeffliger and Buergin are absent from the courtroom.

THE PRESIDENT: These defendants have been excused at
their request.

OTTO AMBROS - Resumed

DIRECT EXAMINATION (Continued)

BY DR. HOFFMANN (Counsel for defendant Ambros):

Q Mr. Ambros, we stopped yesterday with the discussion
of a letter submitted by the Prosecution which bears the name
of "Director Dr. Krauch" at the head but which was not signed.
I am referring to Exhibit 438, in Book XX, page 82 in the
English. Do you have it?

A Yes.

Q Please comment briefly on this letter -- page 82
of the English book.

A Even if this document was not sent out, I would
like to say something about the ideas expressed in this draft.
Under "a" it is said that in the year 1938 industry was
greatly overburdened; it was working to promote exports and
received many Four-Year-Plan projects. I believe that I
recall that Professor Krauch said to me once: "What is your
impression? How is it in the administration?" -- and I

recorded here: "There is a great deal of confusion." The entire letter is very frank criticism. I say here that I missed cooperation between the Reich Office for Economic Expansion and the many Wehrmacht agencies. I also gave some examples which are interesting in other respects. I say, for instance, that in the middle of 1938 one person wants to stock up on diglycol but the army is closing down diglycol plants. Apparently there is no armament program if that is the case. I also say, referring to Schkopau, one party is building but the other party won't give any money. After all, it is an army plant. In referring to Trostberg I say: "Isn't it senseless to give a company (that is, Orgacid) an assignment to build poison-gas facilities, while I.G. Farben, which does not do that but produces only a preliminary product, is not doing anything yet?"

I also say: "This competition for quotas is impossible. Couldn't you in Berlin get some order here?" This is criticism which I am exercising and which Professor Krauch probably wanted for someone working both for export, peacetime economy, and also for the armament program.

Q Mr. Ambros, I am interested, first of all, in this: you do not deny that you drafted this letter?

A No, I think it is much too nice.

Q Mr. Ambros, whether you think it is nice or not is beside the point. I think you have had enough time to explain it now, and this is what I want to ask you:

In what sense did you mean this letter -- as an official adviser of someone in the government or some person, perhaps, or is this letter the expression of your private opinion?

A I was never an official personality in any government agency. This is the expression of an opinion of a private

businessman who is asked by an official agency; "What do you think? What is the situation?" -- and perhaps I dictated this letter as one does to get clarity in one's own mind. I only know that now -- and Mr. Krauch confirms this -- that it was never sent out. Probably it was found among the drafts of my letters.

Q Now, Mr. Ambros, did you realize at the time, or do you believe at all, that this draft of yours had any influence anywhere -- let us say, on the Karinhall Plan?

A No, it could not have had any influence because, first of all, the Karinhall Plan was nothing new either. The Karinhall Plan, as has been shown here, was only a new formulation of existing plans which had partly been drawn up by the GKH in connection with rearmament, which the Office for Raw Materials and Foreign Exchange had drawn up in the program of saving foreign exchange, and then I believe there were some points which went beyond Germany, according to what we heard here.

Q Now, another question, Mr. Ambros: Did you have any influential position in the organization of the Reich offices as set up in 1938, or were you completely outside of this official organization?

A I was outside of this official organization. I was not incorporated in any official capacity.

Q In individual cases, as, for example, apparently here as in diglycol or the poison-gas field or buna, were you approached only as a chemist informed in this field, or as an organizer?

A I was approached as the chemist who at that time was building the first two Buna factories; or I was approached about diglycol as the chemist in Germany who was in charge

of ethylene chemistry, which I took over from my predecessor, Dr. Schumann, from 1934; and before the war I was connected with poison gas, with the group of ethylene derivatives, because I am an ethylene chemist.

Q Now, another question, Mr. Ambros: Did you invent pentaerithrite, glycol or diglycol, or were they already on the market, if I may say so? Were they known in chemical circles?

A Pentaerithrite, I believe, originated in 1890. Diglycol, as you proved yesterday, originated with Mr. Renkenbach of Dupont in 1927. I took over all these products. I am not the inventor.

Q Now, Mr. Ambros, are you, perhaps, the one who put these products into large-scale production for the first time, or could that be done without special invention?

A That is partly true and partly not. I will stick to your examples. Pentaerithrite was already in production, because then as now, very valuable lacquers are made from it. There was a big pentaerithrite factory. The adaptation of the diglycol process was already going on in 1934 when I took over the intermediate group. As you showed yesterday, it was occasioned by the fact that the gentlemen of the GKH read foreign publications and wanted -- or, rather, were interested -- in becoming acquainted with these things. At this time, however, there was already a technical facility in existence for diglycol; that is, in 1933-34 my contribution was only as a chemist and a technical man, to build this in an elaborate way.

Q Your Honors, from Document Book VIA I offered OA-612 yesterday, Exhibit 147. This was the patent document about Ethylene-Diamin-Dinitrate of 21 October 1915. I now offer

CA-613 as Exhibit 148, on page 32 of the English document book, an affidavit of Dr. Friedrich Teller of 20 December 1947. Since the Spring of 1939 Teller has been director of the alizarin Department at Ludwigshafen, to which the pentacritrite factory belongs.

Mr. Ambros, for what was pentacritrite the intermediate product?

A Pentacritrite is an important intermediate for the production of wood lacquers. I believe what you see here is made out of pentacritrite -- the varnish on this furniture.

Q And what could it be used for in the event of war?

A In the event of war it could be used as a substitute for glycerine, for the production of an explosive.

DR. HOFFMANN: This man Teller, your Honors, says that the production of the glycerine substitute, pentaerithrite was begun in 1930, and he goes on to say, "As the scarcity of glycerine in Germany became more apparent during the years that followed, Pentaerithrite was increasingly employed in the technical field, both in the lacquer and, naturally, in the explosives industry, when a number of other pentaerithrite plants arose in Germany besides the Ludwigshafen plant, Ludwigshafen began more and more to specialize in lacquer-quality pentaerithrite."

Q Mr. Ambros, do you know anything about the other pentaerithrite factories which the affiant mentions? What factories were those?

A The OKH set up three or four big standby plants under the management of the Deutsche Gold und Silber-Scheideanstalt. It was natural that the special qualities of pentaerithrite which are used for explosives were also made in the military plants, we were glad that we were able to produce the quality needed for the lacquer factories, because this production was more permanent and is going on again today in the same way. I believe that our first export after this war was pentaerithrite for the French lacquer industry.

DR. HOFFMANN: Your Honors, the next document which I offer is OA-614, on page 33 of the English, as Exhibit 149. Finally, the last document in Document Book VIA is OA-615, Exhibit 150. That is a chart, a study for the evaluation of the German powder and explosives expansion goal of 27 February 1939. The Prosecution offered this document but not, as far as I am informed, the attached chart; I am now introducing this chart. I want to ask Mr. Ambros to comment on this chart and give us, with the aid of this chart, an explanation about the powder and explosives requirements.

A This is the last chart in the book.

Q It is in Book VIA, your Honors.

JUDGE MORRIS: I think it is not in our books.

Q Mr. Ambros?

A This chart is connected with Prosecution Document III-8790. It is an estimate of the German powder and explosives expansion goal shortly before the outbreak of war, February 1939. The two columns, green and red, are requirements of the German general staff evolving from the armament program. As I read here, they have evolved from the number of divisions — how much powder and explosives they need.

Now, it is interesting to look at this third line, the narrow line which shows how well Germany was prepared, to what extent this planning of the general staff was a reality. The lowest arrow is "capacity today". That shows 6,000 for powder and 7,000 for explosives. The requirements of the general staff is up here and the preparation is way down here. The rapid plan (Schnellplan), which has been mentioned, was 35% filled on 20 February 1945. The preparation in powder and explosives which Germany had in 1918 was twice Germany's preparation in 1939, shortly before the outbreak of war. I need not go into the capacity of other countries.

I did not know this chart; it is an official document. But one had the feeling, from the small fields that one worked on, such as diglycol, that in fact the preparation was not adequate. I believe the production capacity was 10% of what was needed during the war. I believe that is all.

Q Mr. Ambros, I would like to come back briefly to what you have said. According to that, in a certain field — let us say, the production of diglycol — you must have thought, when production increased; "Something is wrong here?" Did you ever have that feeling? Were you ever able to have it?

A You are quite right that I would have had the opportunity to make this analysis in this small sector, but what I know did not give me any reason to feel, "There is something wrong." I noticed only that in the years 1938-39 there was no great interest in expanding these

plants. You have shown yesterday that I was able in 1939, in the eight months before the outbreak of war, to use the basic products for Dilycol and Lost in private industry and to close the factory that seemed to me the most expensive, that is, Ludwigshafen, almost completely.

Q Mr. Ambros, I am not quite satisfied with that. I agree with you as to actual production, but can you maintain this attitude you have expressed in regard to the production facilities under your control?

A You are quite right that one must make a distinction between production and planning. Planning began in 1936 and affected me insofar as I had to plan a number of stand-by plants and make my experience available for this purpose. I mention Gendorf, Huelz, Schkopau. I must say the example of Gendorf is striking proof that in the execution of planning, too, there was no activity. If one decides in 1937, as I am able to deduce from the documents now, that one wants to build a stand-by plant in Bavaria, and assembly has not even begun in the middle of 1939 and production can start only in the middle of 1941, then I can say, at least for the time before the war, that there was no urgency here and no pressure to finish this.

Q Mr. Ambros, we don't want to go into what certain people thought. I am interested only in what you thought: please bring that out in respect to planning. You are the person that I am interested in.

A Just as in the case of production, my impression in planning was that there was nothing "urgent," as you said.

Q Mr. Ambros, now, in regard to powder and explosives, I have a few more documents to discuss. In Book X, page 5 of the English book, the Prosecution has introduced Exhibit 436, a plan of the Reich Office for Economic Expansion. This is the over-all production plan for powder, explosives and chemical warfare agents, as of 10 June 1936. Do you have this document? I have already dealt with it once before in connection with Document 621.

JUDGE HERRIS: Would you give me that exhibit number again,
please?

DR. HOFFMANN: Yes, Exhibit 436, Document Book XI.

JUDGE HERRIS: It is on page 52 of Document Book XI.

DR. HOFFMANN: Thank you.

A I did not know this plan.

Q. You didn't work on it in any way?

A. No. Mr. Hoffmann, this plan, as I see, contains primarily finished products - finished powder and finished explosives, and yesterday you brought out very clearly the difference between preliminary products and explosives. It is only on page 12 of this document that I see anything about chemical warfare agents. For instance, a LostPlan is mentioned for Sauerland, Teutoburg Forest. I must emphasize that I heard of all of this only in Nurnberg. I cannot imagine building a factory in the Teutoburg Forest, and I therefore consider this plan completely theoretical. I deny any connection between it and myself.

Q. Mr. Ambros, this is your opinion as a chemist?

A. Yes.

Q. But actually you know nothing about this plan?

A. No.

Q. I now come to another exhibit of the Prosecution. That is Exhibit 623, Book 35, page 59 in the English. Do you have it?

A. Page 131 in the German. Just a moment.

Q. Mr. Ambros, that is a letter of Farben to the Regierungspresident of Muenster in Westfalia. It concerns approval for the building of facilities for the production of ethylene oxide in the plant at Zweckel, and it says here that this approval is requested for the production of ethylene oxide.

A. Yes.

Q. What do you have to say about it? It is dated 7 December, 1936.

A. Yes we discussed my TEL lecture in the year 1937 in Frankfurt. At that time I said that the sale of glycol, solvents, textile auxiliaries was increasing. We had great success in export at that time, and our basis of ethylene oxide was no longer adequate. Then I built Zweckel in the Ruhr, a small ethylene oxide plant to supply these private industry export needs.

This letter is the official announcement that must be made everywhere in the world to the authorities if one has the intention of building

a new plant, but it has nothing to do with the military. That is the I. G. Farbenindustrie plant at Zweckel. It is only in the index that there is any reference to the production of poison gas there. There was never anything produced there but ethylene oxide, and solvents, detergents, and pharmaceuticals.

Q. Mr. Ambros, it seems to me that if the OKH or some other such agency had requested the plant, you would not have had to get any special permission beforehand. Is that right?

A. Yes, that is quite right. Then one of the officers would have done that.

Q. Or would the letter perhaps have been stamped "secret?"

A. Certainly secret, perhaps even more.

There is only one point, perhaps, to be cleared up. There must have been a mistake here. Under the same number, and also listed in the index under "poison gas", we have the expansion of the Teutschenthal plant. I believe that is an aluminum or magnesium factory. At any rate, I see no connection with poison gas.

Q. Did you have anything to do with the Teutschenthal plant?

A. I do not even know where it is. I believe it is in Central Germany. Probably; that is where all of those aluminum things were.

Q. Mr. Ambros, now we come to another document, Exhibit 118, in Book 5, if I am correctly informed, on page 130. If I remember correctly, the Prosecution charged that you stockpiled diglycol, relying on this file note, which is of a discussion on 20 January, 1937. It is true that you are mentioned in this file note under No. 4. What do you have to say about that? It says here, "There is a lack of storage facilities for diglycol. Dr. Ambros was asked by the Army Ordnance Office to determine the requirements of the W.S.G." What was the W.S.G?

A. The W.S.G. was an explosive and powder factory.

Q. ... "and the D.G."... what was that?

A. That was also an explosive and powder factory; Dynamit A.G. is

the name of it.

Q."and the storage facilities." That is, according to the file note, you were to determine the requirements of the WASAG and the storage facilities. What do you have to say about that? First of all, were you present at this discussion?

A. No. I did not even receive a copy of the report.

Q. Now how does it happen that you were mentioned at this discussion?

A. I do not understand that, but Mr. Hoffmann, that is the difficult thing now. A case occurs here where a chemist, Mr. Fuerck, who was working at Wolfen, drew up this document. I do not know why, and it is not of any great importance. I never had any assignment to create storage facilities for diglycol. I believe that I would have refused to become a storage man.

The explanation is given two pages further: "This was the task of the officers of the OKH", and it says there that a Major Wieschlag is studying WASAG and determining how much D.G. needs in the way of diglycol, and he is also working on this problem of building storehouses for diglycol.

Q. Is that the same document?

A. I believe that it is Document 119, - one number more.

Q. Also in Book 5?

A. Yes. And that is the explanation, the problem of storage and estimating requirements was in the hands of the OKH.

Q. Mr. Ambros, now to sum up: in certain fields, as a chemist, you had the position of an expert?

A. Yes.

Q. And for this reason you were always approached as an expert, when someone wanted information?

A. Yes.

Q. Now, the final question in this respect. Mr. Ambros, even if

one is an expert, and gives opinions, if one believes that the purpose is criminal, one has to consider what one is doing; did you have the idea that what you were contributing as a chemist was used for, let us say, preparation for a war of aggression? Yes or No.

A. No, really not.

Q. Now here comes the last document. This is in Book 34, Exhibit 609, I believe. Do you have this document - 609? That is page 126, page 39 in the English.

A. I have it.

Q. That is a report on a journey which took place from January to February, 1939. Were you on this trip?

A. No, and I am not mentioned in this entire report.

Q. When did you see this report for the first time?

A. That is a top secret matter. It was not distributed outside.

Q. And what is it about?

A. I saw the report here for the first time. It refers to the production of explosives, toluene, poison gas, and intermediates.

Q. And who did make this trip?

A. Apparently representatives of the Reich Office for Economic Expansion, accompanying gentlemen of the Army Ordnance Office. It seems that the officers of the Army Ordnance Office were in charge of the trip.

Q. Seeing the report now, Mr. Ambros, would you be of the opinion that this was a military matter - this trip of the representatives of the Army Ordnance Office?

A. Yes, it was a mixed trip.

Q. But you were not called in?

A. I do not believe that I was present; otherwise, I would have been mentioned, for one thing. The people who are present are always mentioned, and I saw this here report for the first time.

DR. HOFFMANN: Your Honors, I now come to the field of poison gas.

Q. Mr. Ambros, you have given an affidavit on the subject of chemical warfare agents, which is in Book 35, Exhibit 350, on page 31 in the English document book. Do you have this affidavit?

A. Yes.

Q. Do you have any corrections to make?

A. There are some typing mistakes; there are some guesses in it. For instance, I was asked, "How much diglycol did you produce for the Army in 1937?" I didn't remember; I think I wrote "300 tons" here and really there were only 100 tons, but I think that otherwise everything is fairly correct.

Then on page 11 I found a mistake. "The N-substance plant was built for the SS". That is a mistake on the part of the interrogator. The SS wanted the plant, but all of this is not of importance.

Q. Now I ask you, what corrections do you have to make?

A. Only on page 11, cross out, "A subterranean N-substance plant built for the SS".

Q. Otherwise the affidavit is correct?

A. Yes, otherwise it is all right.

Q. Now, Mr. Ambros, how did you come to have anything to do with the field of Chemical warfare agents?

A. Before the war I came in contact with this field as an ethylene chemist; because of my position as head of the intermediates group at Ludwigshafen. I was responsible for everything connected with ethylene, ethylene oxide, and its derivatives.

DR. HOFFMANN: Your Honors, in Book VII-4 I have Document No. AO-2, which has been introduced before, Exhibit 2. This is a presentation given by Mr. Ambros himself.

Q. Mr. Ambros, will you please, with the aid of this chart of the ethylene tree, explain again how, as an ethylene chemist, you were connected with products which might become poison gas?

A. The ethylene tree has many branches, plastics, solvents, pharmaceutical products, perfumes, detergents: there are branches of intermediates for other purposes; and again there are a few branches which in wartime can be used not for peaceful purposes, but for warlike purposes. The production of poison gas.

Q. Mr. Ambros, please just tell us which of these branches can be used for such purposes.

A. The one at the right, at the bottom, that is sawed off, that is DL-mustard gas, and at the right, at the top thiodiglycol. That is an intermediate for Lost.

Q. What is Lost?

A. Lost is mustard gas, the major poison gas of the First World War. Ethanolamine is an intermediate for pharmaceuticals, detergents, and also for nitrogen mustard gas. At the left, at the bottom you see a very weak branch, acetophenone, from which tear gas is made, which is shown here as omega salt.

These are all branches growing from the trunk of ethylene and ethylene oxide.

Q. Mr. Ambros, I am interested in finding out very briefly whether from literature or experiments you knew the effect of Lost, mustard gas, on human beings - just briefly.

A. Yes, one knew that it causes blisters on the skin, or when it is breathed in it forms edemas. It is not a dangerous gas. It is not one of the strong poison gases. It is a defense gas. One can cover districts with it, and then it is not advisable to go walking there. It is a gas for protection. That is the sense of Lost, I believe, I read that in a book by a Swiss.

Q. Mr. Ambros, we often encounter the word "Oxol" in the documents. What is "Oxol"?

A. Oxol is the same thing as thiodiglycol, that is a preliminary product for mustard gas.

Q. Is it on the market?

A. Oxol is sold under the name of "Glyacin-A": it is used for textiles, for printing cloth, and as such it is on the market again today.

DR. HOFFMANN: Your Honors, in this connection I offer Document O4 701, Exhibit 151. That is an affidavit by a Doctor Otto Roser, confirming that Thiodiglycol is sold as Glyacin-A by Farben for textile printing.

Q. Now another question. This preliminary product can also be used to make a poison gas?

A. The preliminary product in itself is quite harmless, but if it is treated with hydrochloric acid then it becomes poison gas.

Q. Do you know whether Farben was interested in introducing this preliminary product and thus participating in the military field in any way?

A. No.

Q. Generally, what was Farben's attitude on the establishment of chemical-warfare-agent plants?

A. As Messrs. Kreuch and von Meer have already explained, the supreme management of Farben, Geheimrat Bosch, had issued instructions that there was not to be either any scientific research work, or any technical production work, in the field of poison gas. I learned of this order I believe in 1935, or '34, when I assumed the position of head of the intermediates group.

Q. Do you know, Mr. Ambrós, that the OKW approached the Ludwigshafen plant, in order to interest Ludwigshafen in setting up poison-gas plants?

A. Yes.

Q. You were in Ludwigshafen at the time; what was your position there?

A. I was a Prokurist. Yes, I know that the wish was expressed at that time that this production should be taken up, or should be prepared

fer, but Farben refused.

Q. For what reason? Do you know anything about that?

A. I was a Prokurist, and I accepted the directive of Mr. Bosch.

DR. HOFFMANN: Your Honors, in this connection I offer Document O-702. It is Exhibit 152. This is an affidavit of a Dr. Hans Juergen von der Linde, of 26 November, 1947. From 1934 on, von der Linde had been a member of the Army Ordnance Office. He describes his duties. He says that as a chemist of the Army Ordnance Office he had to supervise the various new developments in the field of chemical-warfare-agents production, and to conduct the work done by the Army Ordnance Office.

Q. Mr. Ambros, did you know, or did you learn in the course of time, that the chemists of the Army Ordnance Office were trying to become experts?

A. Yes, Mr. von der Linde had, as I recall, 20 chemists. He had a very modern laboratory in the citadel at Spandau. There were some very good chemists there, solely for the purpose of developing poison gas, and chemical work was done there, they patented some things, and they were the leading men in this type of work.

Q. Von der Linde speaks of thiodiglycol as a preliminary product for Lost:

"When the German Wehrmacht, in the course of rearmament, intended to take up also the production of mustard gas, they approached I.G. Farbenindustrie at Ludwigshafen in 1934-35, the plant in which German ethylene chemistry was being developed."

At that time we did not find them willing to cooperate, and the High Command of the Army therefore contacted the firms of Auer in Berlin and Theo Goldschmidt. This led to the founding of Orgacid, which set up the mustard-gas plant on the site of the Bukau chemical factory in Amendorf. Then, at the insistence of the High Command of the Army, the I G had to make available their process for the manufacture of the preliminary product thiodiglycol from spirit ethylene, while it was arranged that DEGLI should undertake the production of mustard gas."

I shall not read the rest of this affidavit, but I should like to ask you to devote special attention to it.

Mr. Ambros, in reading part of this affidavit I have already mentioned the name Orgacid. What connection was there between Farben and Orgacid?

A. There was no connection except that Orgacid approached me at the suggestion of the OKH to take over the process and experience for the production of this diglycol, that is, all steps up to the preliminary product for Iost. That included the production of ethylene, ethylene oxide, and thiodiglycol. These processes, as we have already explained, were in production in Ludwigshafen, and we had no other choice but to turn them over, since we had them.

Q. Mr. Ambros, in Book 35, the Prosecution has introduced as Exhibit 351, on page 50 of the English, a contract which has been mentioned repeatedly. I should like to ask you a few brief questions about this contract.

First of all, who was responsible for this contract?

A. The contract was worked out by the legal department.

Q. And what did you personally contribute to this contract?

A. I personally contributed all the technical data, the factors affecting chemistry, and also what we had to do, advice on constructions, operation.

Q. Mr. Ambros, who told you to do that, or could you do that on your

own initiative?

A. My superior, Dr. Seidel, gave me this assignment since I was a Procurist at Ludwigshafen and was working in this field; I was assigned by the management of Ludwigshafen to do this.

Q. Very well. Now, this contract says that Farben is requested to advise in any necessary experimental work. Have you found that passage?

A. What paragraph is that?

Q. Paragraph 2.

A. Paragraph 2. "I.G. shall undertake to give all chemical, technical advice during building, the setting in motion, and the running of the factory."

Q. Now, I ask you, did this advice refer only to the experimental work on the preliminary product, or did it go beyond that? Did it apply to the production of the gas itself?

A. That is quite clear -- only the preliminary product. Because I.G. Farbenindustrie had no experience in the production of the poison gas itself. That was the duty of the Degen, the Auer Company, as you just mentioned.

Q. Mr. Ambros, in this connection I should like to go into a Prosecution document which is also in Book 35, Exhibit 628. Do you know this document?

A. Poison gas plants abroad... a letter to Mr. Struss from Vermittlungsstelle 7.

Q. Yes.

A. It is set forth here that this firm which has just been mentioned Degen went to a Dr. Boeckler of the legal department at Ludwigshafen with the question of whether we would be willing, together with the Auer Company, to work on numerous inquiries from abroad respecting the erection of poison-gas plants. Degen had the impression, as can be seen from the second page, that we would do the preliminary-product work

and the Dugon itself would do the poison gas. But we said no; we were not interested in participating in this thing.

Q. Now, Mr. Ambros, do you know anything about Orgacid, independently of the chemical aspect? Do you know anything about the legal aspect?

A. As far as I know, the Orgacid company was owned fifty per cent by Theo Goldschmidt and fifty per cent by the Auer Company; it operated, among others, the Hammendorf plant, later other plants.

In addition to these owners, the OHF was also represented on the Aufsichtsrat of this company.

Q. Your Honors, in proof of the legal structure of Orgacid, I offer once more Document 01-16, Exhibit 16. This document has already been introduced for identification. It is an extract from the Halle trade register concerning Orgacid.

I also offer 01-705 as Exhibit 153, an affidavit of a Dr. Emil Shmann, the same Shmann who has been a witness here, about the directors and owners of Orgacid G.m.b.H. Shmann says: "On the grounds of my knowledge and experience I maintain my statement that Orgacid G.m.b.H. was not an enterprise belonging to Farben." And he explains this, but I shall not go into the details at the moment.

Q. Now, one more question. Do you know, or did you yourself have any technical management of this Orgacid company?

A. No, neither I myself nor the company had any technical management; Orgacid had its own business management, had its own technical chief, and had its own chemists who had nothing to do with us.

Q. Mr. Ambros, I should like to look at Prosecution Book 35 once more. The Prosecution has offered the following exhibits: First of all, Exhibit 624, on page 62 of the English book, then Exhibit 625, on page 64 of the English book, and Exhibit 626, on page 68 of the English book. If I remember correctly, Mr. Ambros, all this is correspondence between the legal department at Ludwigshafen and the chemicals sales organization at Frankfurt with the Goldschmidt firm about Orgacid.

A. Yes.

Q. I have not yet obtained any information about this, I would like you, if you can, as a chemist, to comment on this.

A. Without going into chemistry too much,

Q. First, briefly, what is the content of this correspondence?

A. This correspondence refers to the participation of I.G. Farben industrie in the delivery of chlorine to these plants. There was a chlorine convention in Germany, and chlorine is a cumbersome by product. Sales people, who have the problem of getting rid of the products, heard that there was chlorine consumption at Ammondorf, without knowing why or what for, and as good salesmen they wanted to deliver chlorine there. That is one aspect. I see now from the documents that one of these commercial men seems to have got the idea of getting into the Aufsichtsrat of Orgacid. I am sure he was not acquainted with our contracts, this contract you have just been discussing and I am sure he did not know the purpose. But I believe it corresponds to commercial thinking: if one can sell something, then one wants to become the Aufsichtsrat.

I have read all that now and that is the content of this correspondence, because the Orgacid owners, both Theo Goldschmidt and the Auer company, said, "We are the Aufsichtsrat; we have the management in our hands. You may deliver chlorine, but that doesn't mean that you can get into the Aufsichtsrat."

That is the content of these letters.

Q. But I am asking you very specifically: Did you know anything about this correspondence at the time?

A. Yes, I did, and I said then toward the end: We don't need to get into the Aufsichtsrat. That doesn't suit our policy.

I didn't say anything about the sale of chlorine, though: I didn't care about that.

Q. But whether anyone went to the Aufsichtsrat at all -- were

you against it ?

A.. Yes, I was against it. I didn't think that was our policy.

Q. Now, Mr. Ambros, the Prosecution has offered another document in this connection, also in Book 35, Exhibit 629, on page 75 of the English. I should like to ask you something about that.

Was there any closer collaboration between Farben and Orgenoid later? Can you explain that, with the aid of this document?

A. The business manager of the Auer company wanted to have an "Arbeitsgemeinschaft," a community of work, between the Auer Company and I.G. Farbenindustrie in the field of chemical warfare agents. This is actually a repetition of what we have already touched upon this morning when you brought up the question of the foreign projects, but I can be brief. To be consistent, we refused. And this working association never came into existence.

Mr. Hoffmann, I would like to say something about Document 626.

Q. What page of the English book is that?

A. It is page 145 in the German, page 68 in the English.

Under paragraph 3 Orgacid is mentioned, and an opinion is given which comes out very clearly in the trial brief. One sentence has been misconstrued here, quite understandably.

Q. What is the sentence?

A. "According to Mr. Bergwardt's report..."

Q. Where is that?

A. This is in Exhibit 626, the last page, page 69 of the English, paragraph number 3, page 145 in the German.

Q. Page 145 of the German, page 69 of the English.

A. "According to Mr. Bergwardt's report the market situation appears to make it desirable that the A-Plant work to full capacity. Endeavors should be made to utilize the surplus for the benefit of the chemical factory in Holten. As, presumably, no profits will thereby be obtained in Ammendorf, special agreements are superfluous."

The sentence in the trial brief says Farben urged that the poison-gas plants at Ammendorf to go into operation. I can understand why they say that. The documents show that, on the contrary, Farben took ethylene oxide away from this poison-gas plant, according to an agreement with Goldschmidt, and that Prestone was made of it. It was not poison gas that was produced in the poison-gas plant, but harmless diglycol. Ammendorf was used for this purpose, according to the suggestion of the commercial man of Farben. I think this correction is important.

Q. Mr. Ambros, now I have to go back briefly to the draft which we have already discussed today, in which you expressed your opinions as an expert, this letter which you did not send out but which was addressed to Krauch. There you also speak of chemical warfare agents. And, if I remember correctly, several types of Lost are mentioned here. You also speak of new types. Do you mean to say that Farben had developed new types of chemical warfare agents? This was in the year 1938. Please tell us about this.

A. That is Document 438?

Q. Yes.

A. It is the passage, "according to my judgment...", concluding, "...mixed Lost and H-Lost." That is the one you mean?

Q. Yes.

A. H-Lost was not invented by us. Mixed Lost is not an invention at all. Mixed Lost is impure ethylene Lost, ethylene propylene Lost.

Q. Please, Mr. Ambros, do not be too technical.

A. No, there is nothing in it.

Q. You did not develop any new types?

A. No. Around that time a new type was introduced, which Prof. Hoerlein has explained, which was intended not as a poison gas but as an insecticide. But at the time I did not know anything about it yet.

Q. Your Honors, in regard to the questions of the various types of Lost and the fact that they were known in the rest of the world, or at least in Germany, I should like to offer a few documents:

On-3, as Exhibit 3. This has already been introduced before. This is an excerpt from a chemical journal of May, 1935.

The next document is On-706, Exhibit 154, an extract from a patent application for the production of trichlorotriethylamine (H-Lost). This patent was issued as early as 1934.

Then, as On-707, Exhibit 155, I offer an extract from a chemical journal from the year 1935, in which the same chemical, trichlorotri-

ethylamine (N-Lost), is described. It is not secret, but quite open.

The next document is OA-708, Exhibit 156, a patent application by I.G. Farben, Ludwigshafen -- no, I.G. Farben -- of 1 March 1935. This is a patent which in its final effect indicates that Farben too was interested in getting a patent for trichlortriethylamine.

Finally, I offer OA-709, as Exhibit 157. This is a letter from Farben's Vermittlungsstelle W to the patent department at Ludwigshafen regarding this patent application for trichlortriethylamine (N-Lost). It says that, in accord with the legal provisions in Germany requiring information to the OKH, the Army Ordnance Office replied that the application has been granted for all countries.

The same series includes Document OA-710, as Exhibit 158. This is a teletype message from the patent department at Ludwigshafen, dated 21 March 1941, replying to an inquiry from the Vermittlungsstelle W and stating that patents have been issued in ten European and non-European countries on the German application O.Z. 8776, trichlortriethylamine.

Did you take any steps, or did you know of anything about these various types of lost being handled secretly, or were they public knowledge?

A. As you say, it is remarkable that this compound was discovered at the same time in America and in England and in Germany. Why? All the nature of chemistry that such movements are followed up by everyone. They say it is in the air. Somebody says in the press: Lost can be made out of this. But all chemists in all these plants and in all these countries were thinking of making detergents. Therefore, nobody kept it secret, everybody described it in the newspapers, and we Germans, just like the Americans, applied for patents in all countries. We applied for patents in ten countries. There is really no question of keeping this substance secret, as N-Lost.

A. Now, Mr. Ambros, the Prosecution has introduced evidence. I shall not cite it in detail, but documents have been introduced mention-

ing Omega salt, or chlor-acetophenone, as incriminating evidence against you in connection with the production of gas. Now, as a layman, I ask you what is omega salt, or chlor-acetophenone; what kind of gas is that? Is it a gas at all?

A. It is tear gas, police gas, and I believe Mr. Elias and I agreed that that is not a poison gas. The Control Council Regulations do not consider it poison gas.

Q. I just want your chemical opinion. It is not a poison gas?

A. No, it is not a poison gas.

Q. Now, in my opinion the Prosecution seems to lay special weight on the fact that D-L, Direct Lost, was developed. Now, I ask you, was this an especially practical process to get lost? Was it generally known?

A. Yes, the Germans —

THE PRESIDENT: Finish your answer, Dr. Ambros.

A. We are starting a new subject. Perhaps it will be better to do that afterwards.

THE PRESIDENT: We will take a recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. VON METZLER: Your Honor, may I ask you to excuse the defendant Gajewski from attending the Monday afternoon session for the purpose of preparing his defense?

THE PRESIDENT: Yes, the defendant Gajewski will be excused for Monday afternoon.

OTTO AMBROS (continued)

DIRECT EXAMINATION (resumed)

BY DR. HOFFMANN:

Q Mr. Ambros, when studying the documents of the Prosecution I found that the Prosecution repeatedly referred to the statement about the DL experiments in order to reproach you with that. I especially point to Exhibit 64Q, in Document Book 36. This is English Page 10 of Document Book 36. Would you please briefly comment on this?

A This is a message which was addressed to me on 28 September 1939, that is, after the beginning of the war, according to which the DL process with all the preliminary products was so far developed that one can use it. I read from it and I know it that up to this time Germany did not have any DL process which might have been usable.

Q Your Honor, as documentary proof for this I submit the affidavit of Dr. Hans Gebhardt. This is Document GA-703 and gets the Exhibit No. 159 of Book 7A. Now, the Prosecution has also claimed that the order for DL manufacture had already been given to the works Gendorf before the beginning of the war and I now want to ask you did you have anything to do with the DL process before the outbreak of the war?

A I personally had nothing to do with the DL process as far as experimenting was concerned but I did know that before the war, in fact a long time before, the Firm Auer made experiments. They did not seem to be satisfactory. At first questions were always addressed again and again to Farben concerning this process whether it would not be possible to employ it since it only needed one-fifth of the amount of chlorine as compared to the oxol process, two synthesis processes in Germany, by

using an apparatus which was actually produced for quite a different purpose. Experiments were also made within Farben without great expenditure, experiments which resulted in the fact that by 1939 there were still no results but after the outbreak of the war these experiments were to be utilized technically and I can say that there were many publications available about this process so that one could assume that it would be easy.

Q Your Honor, as proof for this that Gendorf did not produce D-Lost before the war or that D-Lost installations were built then I submit OA-711. This is Exhibit 160 on page 31 of my Document Book 7A. This is a letter of the OKH to the Bavarian Nitrogen Works of 27 September 1939. This is OA-711. This is a preliminary message for a Reich owned plant for the production of a definite amount of D-Lost at the site of the VT Plant, Trostberg. On the basis of this document can you say with certainty as a chemist that no experimental installations or no production before the war took place, when you look at this document?

A I can confirm to you that before the war according to my knowledge only four laboratory experiments were made, perhaps small technical experiments, but the documents show that the desire was repeatedly expressed to us to build a larger pilot plant either in Hoechst or in Schkopau or at other places but all this was not the case before the war. This preliminary order which is always the first step to the carrying out of the production came on 27 September 1939.

Q Now, Mr. Ambros, I shall go ahead a number of years and I would ask you, as an expert, were you reproached later that during the war you had been careless in the field of D-Lost?

A Yes.

Q But very briefly, Mr. Ambros.

A This plant in Gendorf with a capacity of 4,000 tons was the pillar for the entire poison gas production in the D-Lost. Instead of 4,000 tons this production amounted only to 400 tons at the end of 1943

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when it was finished at last and the product was unusable. Therefore, the reproach was made by Keitel that I personally and Farben, together with me had committed sabotage in the armament because we did not use enough personnel for the development of the process.

Q Mr. Ambros, I understand from your explanation that this was merely an attempt to pin this negligence on somebody or were you obligated to Mr. Keitel to foresee this and to report to him about it?

A No, I didn't know Herr Keitel.

Q In these plans which the Prosecution has submitted and which are mentioned as plant plans and accelerated plans, etc., there are certain figures about chemical warfare agents. Will you please briefly comment on this. What figures are these?

A I must first of all say that I did not know these figures, and in retrospect I must say that these figures are theoretical ones, in fact one could say fantastic figures. These are figures which were set up theoretically and which would not have been realized in any manner, because neither we nor anyone else would have been in a position to realize this program.

Q Mr. Ambros, the Prosecution, have submitted two exhibits, in Book 35. These are Exhibit 217 on Page 108 of the English Document Book, and Exhibit 634 on Page 111 of the Document Book. The German pages are 190 and 193. Do you have these pages?

A Yes.

Q These are letters from Dr. Krauch to Ludwigshafen. Please comment on them briefly.

A This is one of those letters which urges the carrying out of D.L. experiments. It seems to have been Goering's wish, which Mr. Krauch passed on; for Goering turned to the army ordinance office and the army ordinance office gave the actual order for the extension of the above mentioned installation in Sodingen; as it says here in the fourth paragraph, "Sodingen is in the Ruhr area where there are many gas pipes." This was what was intended to be the basis for it.

Q This somewhat answers my next question. Do you know whether these figures were actually reached, achieved, or what about these figures?

A I see that of all these plants, not a single one was built; neither Sodingen, which was mentioned in Exhibit 217, nor the fantastic figures in 634, where mention is made of a plant in Herne. None of these plants were even projected.

Q Thus if witnesses like Wagner or Struss refer to those figures,

then their opinions are incorrect, in your opinion?

A Then these fantastic figures of Struss and Wagner are to be understood that way.

Q Mr. Ambros, I'd like to refer further to Exhibit 617 in Book 35. I would like to discuss this with you. This is on Page 1 German and English. This is the affidavit of Zeitelhack. Would you briefly also comment on this? Is this affidavit correct?

A No, the affidavit is not correct. Mr. Zeitelhack lacked any insight. He was only the one who supervised the entire armament in the Montan Company. He was the director of this enterprise and he was a representative in this field.

Q Your Honors, with reference to this, I would like to submit as Exhibit 161, Document OA-704. This is an affidavit of Dr. Ehmann who discusses the Zeitelhack affidavit from his point of view and analyzes it. Mr. Ambros, I would also like to ask you, how did this Montan plant at Huels come into being?

A As we have already described, the I. G. Farben had the order to construct a second Buna plant on the basis of the electric arc; and waste gases of the hydrogenation plant were used. In this process, outside of the acetylene which was desired, ethylene also is concerned here. If the GHI heard that there was any new ethylene source somewhere, then it expressed the desire--or rather gave the order that there again a Military Montan plant must be set up in order to produce ethylene oxide or of diglycol, or the derivative, thiodiglycol, as a preliminary product for Lost. And that was the way it was in Huels.

Q The Prosecution offers in this respect, Exhibit 597. This is in Book 35, English page 101, German page 183. Do you have that?

A Exhibit 597? Yes.

Q According to what you have just said, and if you now again look at the prosecution document, do you maintain your opinion then, or is your opinion even confirmed by this letter?

A Yes, in the fourth paragraph, there is a passage which was

ducted, "We express that we shall soon want the drawings on that stage which would lead to the preliminary production of chemical warfare agents." But not in order to build it ourselves but only to supervise the planning of the construction of the buildings on the plan. In charge of the poison gas part of it was again the well-known firm of Auer. But to answer your question in greater detail, the second page mentions two annual deliveries of 8,000 tons each, and I have already tried in a cross examination to explain this difficult situation. The Buna plant is an ethylene source. The OKW would like to make a stand-by plant out of this. But just as little as I can close up a natural gas source and open it up again, thus it was in Huels that this plant was not suitable for making once a stand-by plant and once a production plant. This passage explains this emergency. We say that we shall deliver for two years; then the tendency is that we hope that the production will be exported. If the Reich later needs it in case of war then the export, of course, is obviated automatically. Purely technical and privately economic considerations, are the basis of this passage.

Q If I have understood you correctly then, you say that your production was on a peace-time basis and had nothing to do with the Montan plant and military purposes?

A From a legal point of view and in a technical sense, we raised a fence--we separated the Montan plant mentally, and geographically.

Q Your Honors, as far as these statements of the defendant are concerned, I would like to introduce OA-712, which is Exhibit 162. This is an affidavit of Dr. Baumann who was then the plant manager at Huels, and there is a chart of the plant at Huels which is added to this. It is as of the 25 of June 1942. On the basis of this chart, Mr. Ambros can explain to you, Your Honors, the Montan plant and the reasons why the Montan installations in Huels were constructed the way they are. Please, Mr. Ambros, go ahead.

A.- On this chart, on the lower right the site of the Montan installation is drawn in red lines. This is Page 34. This part of the Montan installation is intentionally built at the end of the plant, for the Montan installation is a property of the Reich. We wanted to have a separation between the major part of the plant and the actual Buna plant which was private industry. We were so convinced at the time that the installation would not go into production that we even made the mistake in the plant to place this poison gas installation right next to the housing project there.

Q.- Now, Mr. Ambros, we discussed lost, etc. sufficiently. I would like to ask you now — and this has also been brought up by the Prosecution — what new types of chemical warfare agents were developed in Germany — new types which were not already known in the First World War?

A.- After the outbreak of the World War —

Q.- Which World War?

A.- No. Two. I got to know two agents which were known as tabun and sarin, and which are today known as new agents. These are the only types which are new.

Q.- When did you hear about these substances?

A.- On the 7 of September 1939 in the offices of the OKW. It was in the presence of Hoerlein and ter Meer and a large number of officers, among them Mr. Ehmann, von Der Linde, when I heard about these substances.

Q.- Why were you called in even though you, as you said, had nothing to do yourself with poison gases before the war?

A.- They told us that the government intended to produce this agent tabun on a mass production scale. Tabun was a harmful insecticide among a number of those that the OKW developed from zolan, which is an insecticide, and out this developed the poison gas tabun. Now the production of tabun is extremely difficult from a chemical point of view. All the complicated processes such as high-pressure, corrosion, etc. are to be met with in this

process. It is a very difficult intermediary production and this was the reason why I was called in.

Q.- Were you officially given the order to build a tabun plant?

A.- Yes, by the preliminary order of the OKW of the 15 of December 1939.

Q.- Did this preliminary order go to you or to the plant, or how was it?

A.- This preliminary order went officially to Farben.

Q.- And what plant was to be erected according to this preliminary order?

A.- The preliminary order said to look for a site, and in the last days of 1939, Dyhernfurt on the Oder near Breslau was chosen as the site.

Q.- Mr. Ambros, a personal question to you. Did you then consider these chemical warfare agents as an aggressive weapon?

A.- No, I considered the chemical warfare agents as a defensive weapon. I considered them a "fleet in being". I considered them defensive.

Q.- Mr. Ambros, in this respect, the prosecution has submitted several documents. These are Exhibits 627 and 628 in Book 35 on page 71 and 73; the German text is on pages 146 and 149. Can you comment on these exhibits submitted by the prosecution concerning your attitude towards these chemical warfare agents?

A.- In Exhibit 627, mention is made of a conference which took place between gentlemen of the Orgacid and Farben. The Orgacid suggested to take up these requests about chemical warfare agents from abroad. Dr. Struss says here very clearly, "I.G. wishes to keep aloof from poison gas plants now as before. There is no change in the decision taken earlier." That is this decision of Mr. Bosch.

Q.- Now, Mr. Ambros, later they started to build Dyhernfurt, and I am only interested in the question: were prisoners of war or concentration camp inmates or foreign laborers employed in Dyhernfurt?

A.- During the time it was being constructed, prisoners of war were employed; concentration camp inmates also were employed. In the production of the poison gases, prisoners of war were never employed; foreigners were never employed; and never was a concentration camp inmates employed.

Q.- Was tabun actually produced?

A.- Yes.

Q.- Another question. How was it determined what effect tabun had as a poison gas? First of all, do you know yourself what effect tabun has and can you describe it briefly?

A.- I can describe it for two reasons. Once I saw an animal experiment with cats and dogs, and I observed the effect of tabun on the animals. Unfortunately, I even felt it on my person since by coincidence I was present during a small repair and we thought that the whole system had been cleansed but we noted very quickly that this was not the case.

Q.- Please, Mr. Ambros, just briefly describe the effect.

A.- The effect of tabun is against the nervous system; that is to say, one gradually cannot see far any more and in the next stage one breathes somewhat more heavily. Then there is an uncertain feeling of being compressed. All this stops very quickly again when you get into the fresh air. But if you get too large a dose, death takes place very quickly.

Q.- Now, Mr. Ambros, a question which I ask you only to answer with "yes" or "no". Was the effect of tabun ever tried out on human beings? Just answer "yes" or "no"?

A.- No. May I say --

Q.- No. "No", Mr. Ambros, is sufficient. Your Honors, on this point I submit an affidavit. This is Document OA-713. This is Exhibit 163 on Page 35 of my document book. This affidavit also shows that an experiment on human beings did not take place. Now tabun is not the only poison gas which you know as a new type in this field. There is an even worse poison gas or a more effective gas. Which one was this?

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A.- I think it was the OKW which developed the so-called sarin. Sarin was a product which was ten times as effective. As we now heard from the other side, tabun was not really at all effective. It would decompose. I must say it was effective but it was not stable.

Q.- Mr. Ambros, was sarin produced during the war?

A.- No.

Q.- Did they want to build a plant in order to produce sarin?

A.- Yes, in Falkenhagen they wanted to build a plant with a capacity of 500 tons.

Q And who gave the order for this?

A The order came from the OKW and Mr. Speer.

Q Now, the Prosecution has submitted Exhibit No. 14 which is in Book English page 57, German page 73, and the Prosecution thinks that it can gather from this document that the SS, first of all, concerned itself with this gas or about the production of it but that you sort of said that "if somebody is going to produce this gas it will be me." Will you please comment on this matter briefly?

A When I came to Falkenhagen in 1943 for the first time I found a building site there of the OKW intended for building a subterranean factory for the production of the S-Substance as differentiated from H-Sub. It was the intention of Mr. Schöber to use the buildings of the installation for a plant with a 500-ton capacity of Sarin. Therefore, the OKW had to be convinced that the work in the H-Substance field was to be discontinued. As a commission I received the order to scrutinize the H-Substance production and its utilization. The H-Substance was an inflammatory material; that is to say, if H-Substance was combined with wood or with gasoline, then it would burn.

I watched these experiments and gave an opinion about it in which I expressed that all these experiments and all their consequences are wrong and represent a lie. This report, without my knowing about all these matters, went via Mr. Speer to Hitler. Hitler had been informed differently and he decided that this question should now be handled by the SS.

Another conference took place where I was confronted with the gentlemen from the SS and on this occasion I expressed the fact that one should discontinue this because it is senseless. The quarrel about this installation -- SS or discontinuation and replacing the whole thing with Sarin -- that is the contents, the background of this correspondence.

The decision finally by Spoor was to the effect that the Sarin plant was constructed there and the H-Substance plant was reduced to a very small experimental installation. The H-Substance was not used and that ended that.

Q Did you, Mr. Ambros, have any interest in taking over a new plant?

A No.

Q But now you were also on the Special Committee "C". This was only formed in 1943 and if the development in the chemical warfare agent was concluded in 1943 then I would like to know why this Special Committee "C" founded in 1943 and what were its missions?

A In the year 1943 the organization of the representatives of private enterprises was set up and in this organization there was a Central Committee for Powder and Explosives.

Q Mr. Ambros, I would like to interrupt you briefly and I would like to introduce Exhibit No. 5, Document OA-5 -- and will you please explain on the basis of this sketch, which is on page 37 of the English document, the position of this Special Committee "C". Do you have this?

A Yes.

Q Where is this Special Committee "C" on this picture?

A At the bottom, on the right. The sketch shows in its upper half the ministerial level and in the lower half these representatives of the private industrialists. In the Central Committee Powder and Explosives there were sub-committees and one of these sub-committees, one of hundreds of them, was the Committee "C".

Q All right, Mr. Ambros; now I come to a point which seems important to me, the fact that from 1943 on you were the director of this Committee "C". Did that lead to expressing your opinion as an expert on some occasion, and what occasion was it?

A On the 15th of May 1943, as the last conference, there was a discussion with Hitler and this concerned the treatment of the chemical warfare agents.

Q Were you alone?

A Shortly before this date I was notified by telegram by the Armament Ministry and I was told to come to Berlin and I was taken to the supreme headquarters East Prussia by airplane. There were representatives of the general staff of Speer, Schiebor and various directors of central committees from the armament industry.

Q And what did Hitler want from you?

A As the last point on the agenda of this conference there was a one hour conference about the situation in the poison gas field. Mr. Speer and Mr. Schiebor reported, first of all, about the military aspect, about the general situation, and then I was given the floor; and I showed, on the basis of a table: (a) the requirements of poison gasses by the general staff, (b) the actual production, (c) the stocks. Thus, I discussed objectively all types and described the situation as it was.

Q Did Herr Hitler ask you -- one could practically gather this -- whether one could use poison gases or what was the situation?

A The first reaction was a disappointment since in most types not even half of the requirements of the general staff had been met. There followed a discussion about the reasons for this and then he asked the question: "What is the other side doing?"

Q Before that I would like to ask you a question. Did you have the impression as if Hitler wanted to use the poison gases?

A No, Hitler himself did not but around him there were people who did.

Q Well, go ahead, please; describe to us what happened at this conference:

A He discussed the main types, always with a point of view of "How does it look on the other side?" and I reported objectively that, for example, in the lost field countries which have a lot of Nitrogen would perhaps have the possibility to produce larger quantities of these substances than we could. Thereupon he said: "I understand that, that the countries with petroleum are in a position to make more but Germany has a ignition gas, Tabun. In this we have a monopoly in Germany." At this moment I said: "I have justified reasons to assume that Tabun, too, is known abroad. I know that Tabun has been publicized as early as 1902, that Sarin was patented and that these substances appeared in patents," and I said, "I am convinced that other countries, in cases the German side might use these gases, would very shortly not only be able to imitate these special gases but even produce them in much larger quantities."

THE PRESIDENT: The Tribunal will rise for its luncheon.

(The Tribunal recessed until 1330 hours, 28 February 1948.)

AFTERNOON SESSION

(The hearing reconvened at 1330 hours.)

THE MARSHAL: The Tribunal is again in session.

DIRECT EXAMINATION (Continued)

DR. OTTO AMBROS

BY DR. HOFFMANN:

Q. Dr. Ambros, before the recess we were talking about this conference with Hitler in May, 1943. Is there anything important to say about this conference other than what we have already said?

A. During this conference an expansion was also discussed which the OKH had suggested for Tabun. This plan was to be put into execution, but a few months later it was withdrawn.

Q. Dr. Ambros, we can draw our own conclusions about your attitude at this meeting. I do not want to go into that much further. I have another question in this connection. You said that certain circles or certain people in Hitler's entourage would have been glad to use poison gas. Do you have any indications that after you took an objective point of view at that time you were not doing these people a favor and that later attempts were made in that direction?

A. In August 1944, I was called to Dr. Speer, and again there was a suggestion from the people who wanted gas warfare, but the situation was exactly the same, and my attitude was exactly the same again, about the objective of a technical expert.

Speer had the same attitude and it was again possible to prevent the use of this terrible weapon.

Q. Dr. Ambros, for absolute clarity on this point, your point of view was objective?

A. Yes.

Q. In addition to that did you tell the people who were in favor of gas warfare that you were against it, or was that not possible or did



you think that was advisable, to do so in your own interests?

A. Those who were in favor of it were Ley, Goebbels and Bormann. I did not know any of these men. I did not speak to any of them, and I never spoke to Hitler again.

DR. HOFFMANN: Your Honors, with reference to Otto Ambros' attitude, I should like to introduce a number of documents beginning with Document OA-714, Exhibit 164. This is a German publication from the year 1932, describing Tabun. OA 715 is Exhibit 165, and it deals with Sarin. OA 716 is Exhibit 166. This is a patent, -- a German Reich Patent Office patent, protecting a Sarin type.

Document OA 717 is Exhibit 167, and shows the Foreign Patents given in this direction. The next Document is OA 718, as Exhibit 168. This is an excerpt from a Chemical Journal, on the question of the extent to which poison gas warfare is prohibited by International Law.

I have a few documents. These are OA 719, Exhibit 169, and OA 720, Exhibit 170. Document OA 720 specifically is an excerpt from the book, International Law, by the American, Hyde, who presents his opinion here.

Q. Now, Mr. Ambros, I have only one final question in proof that the actual German capacity and production in the field of chemical warfare agents, was much lower than the Prosecution contents. I have already introduced Document OA 6 and OA 15. I should like to ask you to comment briefly on this question with the aid of these two documents.

A. Document 6, on page 68 of this Book 7a, is a compilation which I made in 1945 on the basis of the available evidence for the Chemical Warfare Service. These figures were worked out together with the Americans, and they show that there is a total of 62,000 tons of chemical warfare agents of all types.

An important point here is that Direct Lost, which was to have an important position, has only 3000 tons in this list. The quantity of

mustard gas produced at Ammendorf is the largest quantity, — 22,000 tons. Then comes Tabun, 12,000, and 80 per cent concentration, and all of these other minor variations can be ignored.

In the list one can see the firms which produced them. One sees the Montan plants, and one sees two firms Riedel de Haen and Ergothan. There were other firms. I believe that is all that I can say about this chart.

DR. HOFFMANN: Now the last document from Document Book 7a, Your Honors, is Document OA 721, which will be Exhibit 171. This is on page 70. It is an affidavit of Dr. Emil Ehmann, again this same witness who has appeared here. Dr. Ehmann gives his opinion on the assertion of the Prosecution, that 95 per cent of all chemical warfare agents produced in Germany were manufactured by Farben. He compares this list with the figures which he knows from his official position that up to the first of March 1944, I.G. Farben owned plants produced 7 per cent, and Reich owned, Farben operated plants produced 28 per cent; and the remaining 65 per cent were manufactured in non-Farben plants.

THE PRESIDENT: Dr. Hoffmann, let's keep the record straight. As I understand, all of your documents that had numbers lower than 17 had already been offered in evidence, and you are giving them their same numbers in this book; is that correct?

DR. HOFFMANN: Yes.

THE PRESIDENT: Now, that completes the introduction of all of your documents in Book 7a?

DR. HOFFMANN: Yes. Mr. President, up to now I have offered all of the documents with the exception of one document in Book 1-A.

DR. HOFFMANN: Mr. Ambros, I should now like to go into the Francolor question with you.

Q My first question is, when was the first time that you had anything to do with Francolor?

A The first time I had anything to do with Francolor was in the summer of 1941. I went to Paris and that was the first time after the war that I met our French friends.

Q You said, your "French friends". Did you personally have connections with these French gentlemen earlier?

A Francolor is part of the Kuhlmann concern, and I.G. Farbenindustrie had for many years had friendly relations with Kuhlmann. In 1937 I was personally sent to Paris for the first time on an official matter, and this was in connection with license negotiations in all possible fields which we worked on even before the war. We were planning an Ethylene Plant, a Polystyrene Plant, and as for your question, this brought me into contact with the leading men of Kuhlmann in business contacts that is, and from this there developed personal friendships which even extended to families on both sides, and I believe that I can therefore say that I had the right to speak of friends at the time from before the war.

Q Mr. Ambros, when in May or in the summer of 1941 you came to France, was the work or the regulations of contracts for participation of Farben in Francolor already finished, or what was the situation?

A The negotiations, in broad outline, were already concluded. The contract itself, as far as I recall, was signed in November, 1941, but in the summer the war picture was already becoming clear, and that was, no doubt, the reason why I was appointed to participate in the work with Francolor at that time.

Q You say "participate" in the work of Francolor. What do you mean by that?

A Dr. Ter Meer appointed me to enter into the administration of

Francolor as sort of a member of the Administrative Counsel of the Reich, with the special duty of supervising technical questions of organic chemistry within Francolor. You know that Francolor did only organic chemistry work. That is to say, dyestuffs, intermediates therefore, and all of the organic chemicals, detergents, tanning agents in the field that I have been talking about in the last few days, so I believe that this was the reason why I was put on this Board as a representative of organic chemistry.

Q Did you have anything to do with the previous contractual negotiations in any influential capacity?

A I did not participate in any negotiations. I had nothing to do with the negotiations.

Q You said that it was your duty, if I understood you correctly, to advise Francolor as a chemist and to help them during the occupation. What did you do to take care of Francolor in this respect?

A It was a difficult situation for the French industry. After the end of the campaign we learned of the situation only a year after the Armistice of Compiègne. Now we were confronted with four factories whose raw materials supply was not yet secured, and where one did not know at the first moment how these factories were to be employed. That was the first task, to get to know what was practicable to do at that time to attain full employment at these French firms.

Q Mr. Ambros, was it possible to give Francolor any assignments to keep it going in their capacity as a chemical works?

A In the first moment, we suggested that part of our dyestuffs manufacture should be turned over to France, if I remember correctly there were 12,000 tons of dyes which were to be produced in France instead of in our own plants.

I do not know whether you can realize what it means for a manufacturer to give up some of his volume of production. From our point of view, as technical men, it was a sacrifice to give up a volume from our

factories to the French, but that was the simplest and above all, the quickest remedy in order to give Francolor sound occupation quickly, but things did not come off as we had hoped, because at that time France was short of everything. There wasn't enough coal; the intermediates were lacking, and the administration - the occupation authorities - had no understanding, of course, and did not want to use the small coal production in the Northern provinces for dyestuff manufacturing.

Therefore, my second task, which I worked out, together with Dr. Ter Meer, was to find out how we technical men could succeed in employing the French factories with assignments for which we could get permission, which would get the certificate for coal allocation, or it would get permission to operate at all, and I may say now that we succeeded, absolutely, in this.

In the year 1942 we achieved the same turnover at Francolor, that Francolor had had in 1938, the last peace year.

Q Mr. Ambros, what you have just given us is the picture that you had, when you were sent to Francolor later?

A Yes.

Q And the ideas on the commercial side that might have existed at that time you could not say anything about them?

A No, that has nothing to do with me. I had the very definite problem of getting the French factories working and bringing them back to the old volume, if possible, after the campaign, in spite of all of the difficulties.

Q But you did that without regard to the commercial aspect?

A I did that purely as a technical man.

Q Now in the field of the employment of Francolor in which you were interested, did you have any difficulties?

A Yes.

Q What was their nature?

A They were manifold. Just to get a license alone, I had to deal with the occupation authorities, and I had to act as if I were actually one of the Frenchmen. I had to get permission for the railroad to bring in the coal, or for the ships on the canal. I had to fight to keep the people in the factory, and above all I had to manage to get the raw materials, benzine, naphthalene, - all of the raw materials of my benzine tree, because it was natural for the Wehrmacht to use benzine for fuel purposes rather than for our chemistry.

DR. HOFFMANN: Your Honors, from Document Book 8-a, I am going to offer Document OA 861, as Exhibit 172. That is an affidavit by Dr. Ernst Roell, from 1934 to 1943 who worked for Otto Ambros as his specialist for foreign projects as Custodian of Anorgana, G.m.b.H. at Gendorf.

It seems to me that the letter or the statement of the 31 March 1942, to the President of Francolor, "I foresaw by the outcome of the meeting of the Francolor Technical Committee at Ludwigshafen in 1942" is important. "At this conference a number of important technical measures were decided upon that were to be taken by Farben for Francolor", and now it reads: "As a member of the Francolor Technical Committee, I am in a position to state from personal knowledge that the measures in favor of the Francolor factories to be taken in accordance with items 1-6 of the report as per enclosure, were in fact all carried out. This fact was due mainly to the initiative of Dr. Ambros.

"As a result of those measures, Francolor received the quotas of coal, iron and chemical raw materials necessary for the continued operation of its plants. The technical measures carried out were connected with the production of lacquer raw materials, plastics, anti-oxidants for rubber and other products required for civilian consumption.

Mr. Ambros, for this production I am sure one needed various products or basic materials. It may be that they were sometimes scarce in Germany too, and therefore I want to ask you if you recall that there was any opposition in connection with giving up these things.

A.- You are, I believe, referring to the example of naphthalene. In the letter just quoted you speak of the production of a lacquer intermediate. For this purpose one needs naphthalene. Naphthalene was almost impossible to get in France because the naphthalene installations in northern France had been destroyed in the war. In Germany naphthalene was scarce because a big firm in central Germany made fuel for submarines out of it. Now, of course, the Reich Office took over the allocation of naphthalene. To get this French factory into operation I urged that we should give up some of our own supplies at Ludwigshafen, that we should send twenty railroad cars of naphthalene to France.

Mr. Hoffmann, the same thing holds true of methanol. The only methanol factory in France, near Courrières, was no longer in operation. Now, formaldehyde is a derivative of methanol, and is extremely important. Therefore, we sent methanol to the French. The French process for the production of formaldehyde was inefficient. We at Ludwigshafen in the middle of the war dismantled our facilities and sent them to France, to Villers St Paul, in order to produce better formaldehyde in larger quantities, and cheaper.

Q.- Your Honors, in proof of the statements made by Mr. Ambros, I offer from Document Book 8-A the next document OA-802, which will be Exhibit 17. This is a letter of a graduate chemist, Koenig, from the TEA Office on the Frankfurt on the Main to a member of the Technical Committee for Francolor. This letter is dated 10 December, 1941. This Koenig inquires whether, in view of the shortage of naphthalene which has occurred, it is justifiable for naphthalene to be sent to France for the production of phthalic acid (preliminary product for lacquer, raw materials.) He

says that Dr. Struss -- I presume he means the witness who has appeared here -- believes that under the circumstances this is not justifiable. In the letter he says: "Dr. Baumann of Ludwigshafen, in agreement with Dr. Ambros, on the other hand, considers we ought to abide by the provisions of the agreement regulating supplies as it would, in view of manpower shortages, be a very severe blow for Francolor if phthalic acid production had to be discontinued owing to lack of supplies of naphthalene, unless the French could obtain the naphthalene required elsewhere."

As I should like to emphasize, this is a letter from the year 1941, and you, Mr. Ambros, were informed about these events and this letter corresponds to your opinion at the time?

A.- Yes.

Q.- Another question. Can you mention any other products any such product produced by Francolor at your suggestion?

A.- Another product which is mentioned in Document AO-601 is phenyl-betanaphthylamine, an important product which is needed to protect rubber. It was so that in France production was impractical. Therefore we used our process to them and we saw to it that this plant at St. Denis went into operation. Another product is pentaerithrite. This morning we said that pentaerithrite is a substitute for glycerine, an old and well-known product, and we emphasized that pentaerithrite can be used for military purposes or for lacquer purposes, for purposes of private industry.

We were very much interested in having no definite Wehrmacht production set up in these French factories. Therefore, we suggested that they produce the lacquer quality of pentaerithrite, but since Francolor did not have the process we asked the French gentlemen to come to Ludwigshafen and to take over the process for the production of pentaerithrite. The chemists were trained and we gave France help for producing pentaerithrite at Villers St Paul.

Q.- Was the same thing true of phenol?

A.- The situation in the case of phenol was this. Here Francolor had a very good process in Oissel, near Rouen. One day the Reich Office for Chemistry, Mr. Ungewitter, suggested that phenol production in Germany and also in France should be reduced. The Reich Office considered it superfluous to produce phenol because all these articles -- bakelite, etc. -- were no longer so necessary. We technical men urged that our German installations should be closed down because the French process was very good and operated very well and because the French plant worked with its own pyrite.

Q.- Your Honors, in connection with the statements of the defendant Ambros I should like to offer Documents OA-803, that is Exhibit 174, a file note of 9 April, 1942, about a conference with the Francolor Technical Committee in Ludwigshafen in March, 1943. This file note shows that it was decided that Francolor should commence production of pentaerithrite as an intermediate for lacquer raw materials; the next document is OA-804, Exhibit 175. This is a letter from Farben -- that is, from Ambros -- to the Reich Office for Chemistry, dated 27 October, 1942, showing that Farben learned that the Reich Office for Chemistry wishes to discontinue phenol production as a preliminary product for plastics and tanning acids in Francolor, and Ambros intervenes in order to prevent this measure.

Mr. Ambros, I want to ask you, did you apply the same steps to any other firm outside of Francolor?

A.- Yes, the firm of Rhone-Poulenc too, in Lyon. Although we had no contract with the firm of Rhone-Poulenc we were tied to the gentlemen of Rhone-Poulenc, the president Grebois, the first manager, Mr. Bo, with extremely friendly relations. They were especially close to our pharmaceutical colleagues, Hoechst and Mann, and I know that in every visit it was emphasized that the pleasant cooperation existed between Lyon and Leverkusen and Elberfeld, and there were friendly relations with the families too.

Q.- I should now like to offer OA-805 as Exhibit 176, OA-806 as Exhibit 177, OA-807 as Exhibit 178, OA-808, as Exhibit 179, and finally Document OA-809 as Exhibit 180.

On this entire technical aspect of your work, Mr. Ambros, I have one question by way of summary. Please tell us what the production of the Francolor works was primarily during the war, specifically with respect to its use.

A.- We were producing dyestuffs in Francolor. The requirements for dyestuffs fell off because there was a lack of fibers; only some special types were in demand, for example, paint, but in general the dyestuffs business was just as bad as in Germany.

Another field which was newly developed, very strongly developed, and something which compensated for this falling off was the lacquer raw materials which we delivered to the lacquer factories. When I saw "We" I am speaking as if I were a member of the French firm, which I actually was in Francolor.

Then there was a lack of detergents and fats, and synthesis had to step in. We produced synthetic detergents and textile auxiliaries, in France. So it went in dozens of little products, and, everything together, one can say what Francolor lost because of the war in the field of dyestuffs was compensated for by processes which we brought in with our patents and our apparatus.

Q.- Now, Mr. Ambros, I would like to know whether this production was directly and definitely connected with the war needs of the German Reich; and if so how much.

A.- As far as I can recall — nothing. There were a few intermediates, for example, some centralites, production which had existed before, for example, in St Denis, which of course was continued. But your question was gunpowder produced; was explosives produced; was poison gas produced — not

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one gram and not one drop. I believe the best proof is that all these facilities were hardly bombed but that they were able to produce all during the war until, of course, it became more and more difficult; when the invasion came, of course, it stopped.

Q. Mr. Ambros, I have already asked you about the motive for your taking technical action in Francolor. Now, I want to ask you directly. The Prosecution has mentioned Francolor in connection with you personally in the case of plunder and spoliation. Now, what was your view of the taking over or of participation in Francolor? Did you, as a chemist, think about this at all?

A. No, I did not, and I must say the atmosphere in which we worked with Francolor, with the excellent French president, Mr. Frossard was such that there was absolute equality.

We met with technical men as we had met everywhere in the world, and our aim and duty was to keep the plant operating. It was exactly the same with our commercial colleagues; they worked together on this principle of equality.

Q. I now come to another field, Mr. Ambros, that is the question of obtaining labor. Did you take any part in obtaining workers for Francolor?

A. Yes, I believe it was at the beginning of 1942 when one saw everywhere in Paris the placards about the "Relève": Three workers or two workers will bring back one prisoner of war.

At that time the French firms received the order to encourage volunteers in their plant to go to Germany to work. One day I heard that Francolor -- Mr. Frossard -- had expressed the wish that his team of one hundred volunteers should go to the Ludwigshafen plant so that these chemical workers would remain in a chemical factory which they knew. The same agreement was drawn up that we have now discussed repeatedly in connection with the assembly terms. There was a contract between Farben and the Francolor about the use of volunteer workers for a limited time in Germany.

Q. Your Honors, I offer such a contract as Document 04-810 Exhibit 181, on page 33.

Mr. Ambros, according to what you said you no doubt had the impression that the first French workers obtained on the basis of this contract between Farben and Francolor were volunteers?

A. Yes, because all statements, all letters, all formalities repeated the expression -- Equipe de Volontaires -- a team of volunteers, and the workers went out in railroad cars that were especially decorated. The whole thing was absolutely voluntary.

Q. Now, this question of volunteering includes the fact formally that these people, the members of these groups, could go on leave. Do you know anything about that?

A. Yes, there was a rule, a Reich tariff rule, according to which the time and the length of leaves were regulated.

Q. How was it in the beginning? Could these members of these groups return to France after their contracts expired?

A. That was when the first difficulty came up. It was possible to have some of the first people come back, but then the Labor Office intervened because, Mr. Hoffmann, here again there was a rule that these teams, these groups, went through the Labor Office. The Labor Office in Paris organized their departure. The Labor Office in Germany received them. If anyone wanted to go back he had to have a permit from the German Labor Office because he could not ride on trains, he could not cross the border, without such a pass, and that is where the difficulty came in. After 1943 the Labor Offices no longer approved this in all cases, but demanded that there be substitutes sent from France, in spite of our efforts and in spite of our definite demands that our relations with French industry required observance of the terms of the agreement.

Q. Mr. Ambros, you have described the relations between yourself -- and I mean you personally -- and Francolor. You have described them in very enthusiastic terms. But must you not consider that, after all, it was difficult for Francolor to give workers to you?

A. Yes, Mr. Hoffmann, I had a divided position, on the one hand, I thought that I belonged to Francolor because it was my endeavor to promote the French firm, and for this purpose I needed French workers.

You are quite right: as a member of Francolor I was on the other side. It was exactly the same with the other teams. For instance, those who came from Rhone Poulenc one day because the Rhone Poulenc firm too sent its first team to Ludwigshafen on its own, without our being asked; a team appeared under the direction of the French chemist named Bo -- this was not Director Bo -- and brought young Frenchmen for this labor commitment in Germany.

Your Honor, in connection with this statement of the defendant Ambros I offer Document OA-811. This is a letter from Francolor to a group of volunteers dated 21 January 1943. The noteworthy thing in this letter is that Francolor expresses the opinion that for the members of the French teams working there it was in part the better to extend their contract, since in the meantime, the labor commitment authorities of Sauckel's staff who had settled down in Paris would probably conscript these workers when they returned and then possibly assign them to labors that were different from Farben at Ludwigshafen. The next document is 812, Exhibit 183, OA-812. I should like to go into this document a little. It's an affidavit by the head of the Labor Office at Ludwigshafen who headed this division from 1937 to 1945. This affidavit states what my next Exhibit 186 also expresses. On 24 February 1944 Ambros writes to Fressard, the President of Francolor saying that in the matter of manpower we are entirely dependent upon the National Labor Office, the authorities officially responsible for the allocation of labor. Without the consent of these Labor offices, we may neither engage workers, a task which, as we have already said, is quite clear that we may return French workers to France only when suitable replacements are provided by France and are already working there. With this letter there was inclosed a letter from the Ludwigshafen Labor Office of 28 February 1944 and the text: "I have no objection to the return of members of the staff of Francolor provided that the firm supplies I.G., Ludwigshafen with an equal number of workers from France for training." Signed: "Labor Office, Ludwigshafen." Do you not recall this ruling?

A That's only one letter of mine in which we were fighting to have the workers from Francolor or Rhone-Poulenc sent back after their time expired. I regretted it very much since it was very unpleasant for me personally to be forced into a situation by official action which was entirely distasteful to me.

Q Do you know whether the possibility of leave which you mentioned in the beginning for the workers from France was later restricted in any way?

A Yes. Unfortunately there was a program on leaves later introduced which was a bad situation. The plants were allied with the workers and found also the way, we thought, to get for these people by having them declared sick and other ways. Mr. Hofmann, I believe I have shown repeatedly in the last two days how important it is in the chemical industry to have workers who like their work, enjoy their work and how impossible it is to have workers under compulsion. The chemical industry cannot do that because we demand that a worker put his own personality into his work so that our costly machinery will be correctly utilized.

Q I now offer another document from Book 8A, Document A OA-816, as Exhibit 187. Document OA-817 will become Exhibit 188. Both of these documents deal with the attempts and partly successful attempts to get leave for the French workers which came from Francolor or Rhone-Poulenc. The next document is OA-818, Exhibit 189. OA-819 will be Exhibit 190 and Document OA-820 will be Exhibit 191. Document OA-821 will be Exhibit 192. These documents contain primarily statements of French workers, especially statements of chemists who came to Ludwigshafen as Frenchmen and they deal, with Dr. Ambros. Do you have anything to say about these documents?

A May I explain briefly about Document 818? I should like to emphasize that this is the chemist who during the war took over the formaldehyde installation at Ludwigshafen and took it to his home plant at Villers where he set it up and therefore he obtained knowledge of all the circumstances. The next one, 819, was also a chemist who worked for us a long time. I managed to arrange for him to return to France according to his contract after his contract expired after one year.

Q Mr. Ambros, in conclusion I want to ask you did you, yourself, get any special advantage through Francolor?

A No, nothing.

Q Were you anything but a chemist at Francolor?

A No.

Q Did you have the intention of operating from Francolor?

A No, never.

Q Did it ever occur to you that since you were a chemist you were also a member of the first Vorstand of Farben that you were guilty of getting some advantage in connection with the participation of Farben and Francolor?

A No.

Q This leads me to another question which I would like to ask; how do you feel; what responsibility do you feel as a Vorstand member of Farben? It has been said here that the Vorstand of Farben was a group of general directors, and what do you have to say about that?

A I must confess frankly I did not feel that I was a general director; perhaps because of my youth I did not have the experience which I connected with the concept of the general director. This term gives me a picture of orderly gentlemen. I don't think I was really a general director.

Q But what do you think your position and your responsibility was as a Vorstand member of Farben?

A I was in a corporation of men where everyone had a certain field of work and I took care and I represented this field that I have been discussing during the last few days and there I thought that I was responsible. I reported on this field but on every step, whether it was technical or financial, social matters were more of a borderline for me and I reported in the meetings of the TEA or the Vorstand. For me, of course, the Chairman of the Vorstand was the authority but in daily work we had extensive freedom.

That's the picture that I have of my activity, looking back on it.

Q Mr. Ambros, I should like to ask you briefly about a matter which the Prosecution has asked you in this connection here, that is, the connection of the Eastern companies which were founded during the war in order to take over the factories in Russia if that became necessary. What do you know about that and how and when were you approached in this matter?

A I have given an affidavit which explains this matter very clearly. I believe it wasn't introduced. In this Prosecution affidavit I made a distinction between the two commitments in the East. The first was immediately after the outbreak of the war with Russia. For about a year in 1940 or 1941 I had to negotiate with the Russians in the Buna field, then on 22 June 1941 war broke out against Russia and a few days later I received a telegram from the Reich Ministry of Economics to assemble technical people, chemists from the Buna plant, who would be able to manage Buna plants from a technical aspect. The idea was that the troops would very soon reach one of the Russian Buna plants, for instance, Jefromv or Woronesh and there should be an entry thereto to prevent this Buna plant from burning or from being destroyed, whose duty it would be to see to it that this plant could get into operation again as soon as possible. I remember that in one of the first letters at the end of June 1941, it's said that these are the duties of the technical people to see to it that production of Russian rubber, Russian Buna, will start soon to operate and might in addition also serve German interests. I must remind you that in a relatively small Buna production the supply not only in Germany but also in Sweden, or the Balkans or Germany was devoted, at least the first task was, to obtain these chemists and I did so in a few days and I informed the Reich Minister of Economics that I had done so.

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Also I informed the Reich Office and these chemists were drafted, that is to say, they were put under military orders. They were given officers uniforms and were under military orders of the State. That was the first project.

Q. And what actually happened?

A. Nothing happened. Only one chemist ever reached a destroyed Buna factory. It was completely dismantled. There was hardly anything left of the Buna plant.

Q. Now, Mr. Ambros, the Prosecution has offered a whole sheaf of documents which show what the intention was. Now, I want to ask you what your opinion was and what you knew about it and what Farben intended in this eventuality?

A. I need not go into the contract. Your question is what did Farben think or what did I think?

Q. What did you, yourself, think?

A. I thought that it was sensible. That, after all, if such Russian factories could be reached it would be sensible.

Q. Very well. Do you think that these factories might later on possibly be made useful for Farben?

A. No.

Q. Why?

A. The idea came back that Russian rubber had a different quality from German rubber and was suitable for making boots but it wasn't suitable for making tires. Therefore, the officials suggestion came to consider, can this Russian rubber factory be modified and adapted to the production of good Buna, by Farben using its experience in introducing into the Russian plants the making of styrene and introducing styrene polymerization, in short, adapting Russian Buna production to good quality Buna. This, of course, brought up problems which were formulated from the legal side of the following goal; there was the concern that in this way experience and ability might be turned over by us to channels which later we would not like and we were thinking of German labor front where Dr. Ley might in this way become the owner of Buna factories. One must not forget that at the time I. G. Farbenindustrie had invested over a billion privately

in Buna and that it is the duty of the Vorstand to consider safeguards to protect such capital in the disorderly conditions of the Third Reich. To formulate this idea was the purpose of my contracts all of which remained academic or theoretical. No contract was signed. The famous letter of the Reich Ministry of Economics which was to be written to protect our interests was never written and the most important thing then as to the Russian Buna factory was never founded at all.

Q. Mr. Ambros, as you say we have already discussed the positions that you held. I come back to one and there was an Economic Group Chemistry and now in this Economic Group Chemistry did you have any special position?

A. From the Economic Group Chemistry I did not have any permanent position. I merely worked as a technical expert in the so-called production committee. The Economic Group was divided into, I believe, 20 separate groups. I was attached to the head of one of the specialized groups as a technical expert. That was Group V, carbide, acetylene and Ethylene. This type of chemists I have been discussing during the last few days. I held a formal position. If it had ever happened that anyone in the Economic Group wanted to know something about Buna then I was a Buna adviser since after all I had built all the Buna factories. That was hardly to be avoided but no advantage was ever taken of this.

Q. Did this correspond to the picture which shows that you were a government official and not a partner in any of the organizations of the Third Reich but that you were a free agent in this chemical position?

A. Yes.

DR. HOFFMANN: Your Honor, I wanted to go into a few other matters which will require a short time but at first it would be better to have the recess now.

THE PRESIDENT: The Tribunal will rise for its recess.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

DR. DIX: In the name of the entire defense, I have the following message to give to the Tribunal for the record. With reference to the prosecution motion of 26 February, because of the shortage of time which we made known to the Tribunal yesterday in their chambers, we were only able last night to confer about the contents of this motion and to inform ourselves about the facts. We reached an agreement on the basis of the clear and definite facts, and we were able to reach this agreement quickly.

As to the contents of the agreement or the statement of the entire defense, we wrote it this morning, and just ten minutes ago we submitted it. I need not go into its contents; likewise, original documents corresponding to the contents of the statement have also been submitted. We would gladly have made the translation of this statement on our part but we could not do this for lack of time. But the statement asked for has thus been given to the Secretary-General of this Tribunal in compliance with the time limit. As such, it would have been customary to give it to the Secretary-General of the Defense Center, but this is closed today. Therefore we chose this way: to give it to the Secretary-General of the Tribunal. At the moment, I have nothing further to say about this statement.

THE PRESIDENT: We can well understand the pressure of time in which counsel for both sides in this case are laboring under now, and I may say that if, as we are now advised, the response on behalf of the defendants has been filed with the Secretary-General today, that is in compliance with the direction of the Tribunal, and we treat that as a discharge of the rule to answer. The Tribunal will have nothing further to say about this matter until the document is available to us and is in the hands of the prosecution.

BY DR. HOFFMANN:

Q: Mr. Ambros, in the afternoon session you have particularly described the Francolor matter from your personal point of view, and this

causes me to ask you a few more questions. In this, I have reference to the testimony of a witness who once saw you in Auschwitz and who described the conversation he had with you. This is the witness Pfeiffer. Pfeiffer testified at the time that he talked with you, that he was very much impressed by the conversation and that he was grateful for the manner of the conversation but that he had the impression as if something you said showed that you had the feeling that since he, Pfeiffer, was a Jew, it would then be difficult to release him from the camp and that it makes his entire situation difficult. I would like to ask you very briefly to tell us what your comments are about this conversation and whether you remember this?

A. I remember that I visited a laboratory in which a new process was being developed. I spoke with those people who were present, and in this a concentration camp inmate, Herr Pfeiffer, participated also. I asked him, "Are you a chemist?" and he said, "Yes, I studied in Clirmont-Ferrand." Then I conversed with him just about the particular field and I had him explain to me the progress of these experiments. I was surprised how well he realized the purpose of these experiments and how well-informed he spoke about them. Thereupon I said to him, "Are you a college graduate?" He said, "No." Then I said, "Well, then, I would use this theme, the subject on which you are working on, as a subject for a doctor's thesis." That is all, as far as I remember.

Q. Well, to come back to your description about the Francolor and your cooperation. After the capitulation, did you receive any messages about how the French workers, who were then employed by you, regarded their fate in retrospect?

A. Yes. You know that from July 1945 on, I was again a member of the Vorstand in Farben at Ludwigshafen and that this plant is under French administration. Thus various Frenchmen came to Ludwigshafen, who during the war had been working in Ludwigshafen. They came from all social strata: chemists, laborers; for example, one became a chauffeur. I remember this chauffeur particularly for he told me one day that he

visited all his comrades from the time during the war and that on Sundays he was always a guest of his former supervisor.

Q. And now a last question in this connection: Did the French occupation authorities reproach you personally, especially in view of Francolor?

A. Neither in Ludwigshafen was I ever reproached nor was I during my stay in Paris when in September 1945 I was in Paris to give lectures. I had been invited there for two weeks, and I saw all the gentlemen from Francolor there, and I visited my friends after the war as a free man.

Q. Your Honor, this completes my direct examination of the defendant Ambros.

THE PRESIDENT: Defendant Ambros is now available to any other counsel for defendants for further interrogation.

BY DR. RUDOLF DIX (Counsel for defendant Schmitz):

Q Mr. Ambros, today you have told the Tribunal about the conversation or conference which you had with Adolph Hitler, the subject matter being the employment of chemical warfare agents, a conference which, in my opinion, resulted in the fact that Hitler refrained from using these gasses.

I would like to ask you now, what was the attitude of my client, of Mr. Schmitz, in regard to this problem. Was he in favor of the employment of poison gasses or did he assume the same attitude which you did and which you expressed to Hitler effectively?

A Mr. Schmitz had the same attitude that I did. I could not expect anything else because I am firmly convinced that Mr. Schmitz had already probably talked with Mr. Bosch about this problem, and I would like to state expressly here that as often as I talked with Mr. Schmitz about this problem, even in the remotest — he could not interest himself in this, but, of course, he had to suspect that there was something like that — that he always was against the use of poison gas in this war.

Q You just said that he could not know anything in detail about this but he had to consider such possibilities. May I ask you in this connection: do you know whether Schmitz was at all informed about the field of the extent of poison gas production?

A No, one did not speak about this subject and it has been repeatedly emphasized here that there were subjects which we were obligated to keep secret. Among them was, above all, the field of poison gasses.

Q Something occurs to me in this connection — and I would like to ask you the following:

Do you know that publicly — that is, in the press — more specifically in a journal called, "German Stage," "Deutsche Weltbuehne," an excerpt from the Senate transcript of the Committee of War Criminals was published and that it was said that the president of this committee Sen. Kilgore is alleged to have reported the contrary, if this news is correct, from what you have just testified.

In order to refresh the memory of the witness, I can, perhaps, read this to him which, according to the report of this journal —

MR. SPEICHER: Objection: the witness hasn't been asked. I don't see there is anything to refresh his recollection about and there is no suggestion that it is even a competent topic.

THE PRESIDENT: That objection is well taken. I can't tell, Doctor, just what you do have in mind. Can't you put it more directly to the witness and leave him free to answer without leading him, whatever the inquiry may be?

DR. DIX: Your Honor, I asked him directly whether he knows anything about this report of Senator Kilgore in this journal, "Weltbuehne." I believe this is quite a direct question and, in order to refresh his memory and in order to give him a possibility to comment on these reproaches —

THE PRESIDENT: What is this you are asking him about? When was it published and what is it all about? I don't understand what you are getting at.

DR. DIX: I am asking him whether he heard about a publication in which —

THE PRESIDENT: You don't mean that quite, do you — August 1946? You don't mean that?

DR. DIX: Pardon me; August 1946. I beg your pardon. I thank you for calling that to my attention.

And in order to refresh his memory and in order to give the witness a possibility to comment on the substantiated charges therein —

THE PRESIDENT: I think we would probably save time if you read it. Let's see what it is but don't answer until the Prosecution has a chance to object. Go ahead and read what you want to refresh his memory about it. It is not too long, is it?

DR. DIX: No. I am an enemy of long passages.

Q Well, Dr. Ambros, this is a quotation from the "Weltbuechne." According to this, Kilgore is supposed to have said before this commission -- beginning of the quotation:

"When I" -- namely, Kilgore -- "was in Frankfurt on the Main in December 1945 Schmitz was just being interrogated, the president of I. G. Farben, and on this day he admitted that he had done everything in order to bring Hitler to use an absolutely lethal poison gas. Hitler had hesitated and Schmitz had condemned him because he believed it would have helped Germany to win the war."

Do you know anything about that and what is your attitude to this remark?

THE PRESIDENT: Now you can make your objection.

MR. SPEECHER: Objection.

THE PRESIDENT: Perhaps you better state your objection for the record. Let's get it complete.

MR. SPEECHER: Well, this is a statement made in 1946. There is nothing to refresh the witness's recollection about. It is utterly unimportant as to whether he heard of it or not. He can be asked for the fact. I believe he has already been asked for the fact. This is sheer argumentation and a certain amount of drama.

DR. DIX: Your Honor, may I explain briefly? I can abbreviate. May I just say something? Mr. Sprecher is right. After the witness has already said that Schmitz completely agreed with his point of view, it no longer needs an answer. After I have had an opportunity, which I frankly admit, to confront this witness with this allegation which is

completely in contradiction to what he said before, my purpose is fulfilled. I shall comply with Mr. Sprecher's wish and I shall withdraw the question. Of course, I would have asked the question if there had been no objection so as not to be suspected of just confronting him with something just for whimsical reasons.

THE PRESIDENT: Very well; any further examination?

MR. STUBBS (Counsel for defendant von Schnitzer):

Q Mr. Ambros, I would like to ask you a few questions about Francolor. In the indictment on page 67 the Prosecution has said that Farben had dismantled special machinery in the French dyestuff factories taken over by Francolor. Is that correct and, if so, would you please tell us what the connection is?

A This is absolutely incorrect. I don't know of any single case where Farben dismantled even one machine in Francolor but this afternoon I have explained that on the contrary we dismantled installations and brought them to Villers St. Paul. I can only imagine that this is an error.

Q In order to clarify this completely, did Frossard, Duchemin or Thesmar or any other gentlemen complain to you that machinery was being dismantled?

A Are you thinking of the time when I saw them after the war, or always?

Q It is all the same.

A No, never. I think on the contrary, in a document which has not been introduced, but which is in Volume 64 or 57, Dr. Duchemin emphasized that this was not the case.

Q Did Farben take away patents or processes from Francolor?

A I know of no single case.

Q Did any other differences of a considerable nature crop up between the French and Farben within the cooperation within Francolor?

A I attended, I believe, most of the technical committee meetings, and also many of the sessions of the Conseil D'Administration, and I do not know of a single case of a difference-of a serious important difference, - between the gentlemen of Francolor and our people, either on the commercial or on the technical level. On the contrary, I must emphasize that the meetings in Paris, or the meetings with the Frenchmen in our office during the war, - I am not thinking of the Conseil D'Administration meetings, - but after Francolor was founded, - were always friendly and pleasant.

Q Did the French gentlemen in conversations with you, make known their satisfaction about the mutual cooperation and technical respect in Francolor?

A I can say yes to this to a full extent.

Q I would like to treat one other subject matter briefly. It also concerns France. The firm Kuhlmann had another plant which was in Muelhausen in Alsace-Lorraine; according to Document Book 61, page 15, the Prosecution has submitted the lease contract, and in Book 30 the subsequent purchase contract. In Volume 61, page 10, this is NI 4847, Exhibit 1216,

a session of the Expanded Farben Committee of the 17 April, 1941, is mentioned. Dr. von Schnitzler presided over this session, and there were other people present, among them you yourself. It was announced at this session that the Muelhausen plant had been leased by Kuhlmann and it continues that an auxiliary production agreement with the company for the chemical industries in Dornbach had been concluded. Can you briefly explain to me this reference; what is meant by this "Auxiliary Production Agreement".

A I, personally, had nothing to do with Muelhausen and I do not now recall this specific agreement. I merely have a recollection as a chemist for intermediate products. I know that one day Farben expressed a wish that there might be a certain production of aniline, which is an intermediate product of the dyestuffs chemistry, and that this should be transferred to Muelhausen.

I also recall that this aniline cost almost twice as much in Muelhausen as our own aniline production. Nevertheless, Farben decided to keep this plant in operation, and decided that a certain quota of aniline was to be produced in Muelhausen, and I also have some remote recollection that more intermediate products were transferred there, and that might be the sense of this "Auxiliary Agreement", or a "relief agreement."

Q Did the plant at Muelhausen operate during the entire time of the war?

A Yes.

Q Do you know whether at the request of Farben, workers were dismissed or workers in Muelhausen were taken over by Farben?

A I cannot imagine that one worker was taken away from Muelhausen to Farben because at that time Muelhausen was considered a plant in the German Alsace, and therefore I believe that this question was not raised at all.

Q Was apparatus or was special machinery taken away by Farben from the Muelhausen Plant?

A I know of no single case.

DR. SIEMERS: I have no further questions.

DIRECT EXAMINATION (continued)

DR. OTTO AMBROS

BY DR. SILCHER, counsel for the defendant Hoerlein:

A Mr. Ambros, in your affidavit about the war gases, - that is Exhibit 350, NI 6788, Book 35, - and this is in paragraph 14, German page 92, you mention that the product Gelan which later became Tabun, was developed or supposed to have been developed by Dr. Schraeder at Elberfeld. What do you mean by the expression, "developed"?

A This expression is wrong here. Mr. Schraeder was a chemist who originally worked in Leverkusen, and later in Elberfeld. His laboratory chief gave him the order to develop a completely new type of insecticide. He found interesting combinations which had strong effects as insecticides. These insecticides were developed by him. That was his assignment. One substance, one type, later became interesting for the other side. He patented these substances as one patents every chemical substance, and this afternoon we pointed out this one patent which to my recollection was patented in 1936. Only thus, according to my study which was the supervising agency of the patents, got to know the interesting compounds, and out of this great multitude of insecticides the OKH chose one type and developed it into Tabun. The "developing" here refers to the insecticide chemistry, - the developing into a chemical warfare agent was taken care of by the OKH.

DR. SILCHER: Thank you.

THE PRESIDENT: Anything further from the defendants?

DIRECT EXAMINATION(continued)

DR OTTO AMBROS

BY DR. FLAESCHNER(Counsel for the defendant Buetefisch):

Q Dr. Ambros, was Farben a participant in the coal production in Central Germany and in the Ruhr before 1940?

A Yes. I.G. Farbenindustrie participated in the Central German coal production via the Riebeck, GmbH, and as far as the coal in the Ruhr is

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concerned, it had interests via two channels. On the one hand via the Augusta Victoria, that is a mine in the north of the Ruhr area, near the Buna Plant Huels, and on the other hand via Rheinstahl, a coal company which was in charge of the mine Prasser Prosper.

Q Now I come to the actual point. Did the question of participation of Farben in the Upper Silesian coal production only come up with the setting up of the Auschwitz plant?

A No, I recall that in a TEA conference in the beginning of 1940-- I shall say parenthetically that Auschwitz was beginning to be discussed at the beginning of 1941--one heard a lecture by a coal engineer about the Upper Silesian coal. The interest in this Upper Silesian coal production was natural because of the plant Heydebreck near Cosel and the then temporarily existing third Buna plant of Rattwitz. At that time TEA was concerned about how these three millions tons of coal could be covered for these two plants.

Q And what happened thereupon?

A The expert for coal questions within the Vorstand of I.G. Farben, the late Dr. Scharf, suggested that one should take an interest in the Upper Silesian coal. I believe they sent a commission there which was composed of coal specialists of Farben to clarify the conditions there.

Q Do I understand you correctly? This then was a matter which was planned by the entire Vorstand and was submitted to it?

A Yes, the entire Vorstand heard about it and thought it right to interest themselves in the eastern coal too, just as it interested itself in the central coal and the Ruhr coal.

Q You have mentioned the commission which consisted of these coal specialists. Did you have anything to do with this commission directly?

A No, that was the job of Sparte I, and in Sparte I the responsible man for coal was Dr. Scharf, but he was already in poor health at that time, so I think he asked Dr. Buetevisch to concern himself about this Upper Silesian question.

Q Now, one took up negotiations with the Fuerstlich Pless'sche Bergwerks A.G. in Kattowitz, and these negotiations led to the conclusion of contracts which are an issue here. I want to ask you, are you informed about the contracts with the Fuerstlich Pless'sche Bergwerks

A.G. which led to the establishment of the Fuerstengrube G.M.b.H.?

A I remember distinctly that after these contracts had been scrutinized by the contract agency in Ludingshafen before they were presented one day in the Vorstand just in outline, and thus I was also informed that one was founding a coal company with Pless which, if I remember correctly, became the Fuerstengrube G.m.b.H.

Q Your recollection is quite correct. The firm was called Fuerstengrube G.m.b.H. It was a company. Do you know anything about the fact that the Fuerstlich Pless'sche Bergwerks A.G. is supposed to have concluded this contract with Farben for the founding of the other coal company under pressure?

A No, I know that the Pless'sche A.G. had financial difficulties; that was connected with several matters. The Fuerst Pless was a very large family, and I remember that the foundation of this Fuerstengrube G.m.b.H. was very much along the lines of the Pless Coal G.m.b.H. I think the entire budget of the Pless A.G. was straightened out by this foundation.

Q If I understand you correctly, there was a considerable interest on the part of the Fuerstlich Pless'sche Bergwerks A.G. in the founding of this Fuerstengrube with Farben.

A Later in the Aufsichtsrat of the Fuerstengrube G.m.b.H. I never had the impression that there was any opposition to it.

Q Well, I shall go into this point later. Did the Farben management ever prescribe to the management of the Fuerstengrube G.m.b.H. the manner of handling their affairs? I would like to express myself more clearly. Did Farben ever cause the men responsible for the management of the Fuerstengrube G.m.b.H. to make decisions which Farben had ordered?

A No. The business manager, Mr. Falkenhahn, was a typical miner. He was not the type to let us interfere in his business.

Q The fact of the Auschwitz plant--didn't this result in several points of contact with this plant?

A Yes. I have shown on the map that the Fuerstengrube was very close to Auschwitz and that part of the coal of Fuerstengrube was to go to Auschwitz. I don't know anything about details. Herr Falkenhahn regulated those details.

Q Did Farben in Auschwitz have any influence on the coal deliveries?

A No, that was the task of the business manager of the Fuerstengrube G.m.b.H. That was Mr. Falkenhahn.

Q What do you know about the Janina mine?

A The Janina mine was that mine which I showed on the map as being nine kilometers away from Auschwitz, to the northwest. This was a mine which was under the trusteeship of some sort of Eastern state company. I know that one day Mr. Falkenhahn called to our attention the fact that Janina was a very interesting mine, and I think I recall that he suggested bringing it into some relationship with the Fuerstengrube G.m.b.H. so they would supplement each other.

Q Did you, Dr. Ambros, ever hear that the Fuerstlich Pless'sche Bergwerke A.G. had refused to take over the administration of the Janina mine?

A No. I believe I can recall the contrary. For mining reasons it welcomed this opportunity.

Q Did the intention exist to acquire the Janina mine by buying it?

A I do not know any details about this. I only recall that there was some French ownership involved, as was the case with many of these Polish mines, and I think the French tried to get rid of their share.

Q. Did the intention exist to acquire these shares for the Fuerstengrube G.m.b.H.?

A. Yes, certainly, if this were possible in a legal way the Fuerstengrube would have acquired these shares.

Q. Did the Fuerstlich Pless'sche Bergwerks A.G. which was 49% a company of the Fuerstengrube want to exclude itself from the acquisition of these shares?

A. No. Pless wanted, of course, to continue to expand in this manner but I know that was very difficult and the Aufsichtsrat of Fuerstengrube met with the Pless people and Mr. von Knieriem was there too; they all met in Dresden in order to find some contractual basis which would permit Janina to be incorporated into the Fuerstengrube or to attach it to the Fuerstengrube.

Q. Do you know the date of this conference?

A. It must have been in the Spring of 1944, April 1944.

Q. Another question; did Farben in Auschwitz take up production and thus take upon itself the responsibility for providing coal for this production?

A. I can give you an example which perhaps clarifies this somewhat. When the OKH expressed to wish to erect one of these Montan plants and to attach it to Auschwitz, the negotiations were unsuccessful for months because we refused to provide the coal because we had no coal, and the documents show and this is an explanation for the delay in the construction of the Montan plant and this is the beginning of why the Montan plant was never completed because we were of the opinion that if the OKH wants something like that it should get the coal. In other words, the coal had to be provided. That is, I think, the answer which you expect.

Q. Well, Mr. Ambros, you already said in your testimony that you were a member of the Aufsichtsrat of Fuerstengrube G.m.b.H.. May I ask you since when?

A. To be frank I no longer know it exactly. It must have been in 1941. Is that correct?

Q. Would it refresh your memory if I tell you that the founding of the company took place in June 1941?

A. Yes, then probably I was present.

Q. Did you participate in the meetings of the Aufsichtsrat?

A. I don't think I attended all of them but I attended them very frequently.

Q. Then you will be able to answer my next question from your own knowledge. Did Farben have complete control of the business management of Fuerstengrube G.m.b.H.?

A. No, the business management is a very independent apparatus, especially in the hands of a Mr. Falkenhahn.

Q. This you would have to know from your own knowledge; did the Aufsichtsrat ever instruct the management of the Fuerstengrube to give up an attitude which was in opposition to the attitude of the Aufsichtsrat, quite-generally speaking?

A. How do you mean this?

Q. Well, the question is, did the Aufsichtsrat every instruct the business management of the Fuerstengrube to abandon a point of view which deviated from that of the Aufsichtsrat? It's complicated but it must be asked.

A. I have that impression, too. No, we of the Aufsichtsrat never instructed the management that it is doing something wrong.

Q. It has nothing to do with right or wrong. It's merely a matter of policy where one might be of different opinion. I am concerned with this; did the Aufsichtsrat say to the business manager you must not do this but you must do what we want?

A. No, we never did this. This problem never arose.

Q. And this leads to the next question. Did the management report to the Aufsichtsrat about the problem of using inmates?

A. No, I don't remember.

Q. What do you know about I. G. Farben Auschwitz taking over the administration of camps for the workers of the Fuerstengrube plants?

A. I don't know anything in detail. I only know one thing and I heard this a short time ago and I recall it too that in the food supply for inmates one created this centralized set-up, that is to say, that the Auschwitz Farben plant furnished food to the inmates in the mines so that they received the additional rations beyond the normal rations.

Q. We are not coming to a different point. What do you know about the treatment of prisoners of war who were employed in Fuerstengrube?

A. I know nothing about that.

Q. The Prosecution in Document Book No. 81 has introduced several documents which I ask you to look over and then to answer my question. This is NI-10512, Exhibit 1538, NI-10519, Exhibit 1539 and the supplement and then Document NI-10529, Exhibit 1540. Will you please look at them and I shall give them to you. They are the documents which I marked. Did you see it? This is my question; did the business manager, Mr. Falkenhahn, report such incidents as they are reported there in this document? Did he mention them in his reports to the Aufsichtsrat to which you belonged? Did he report his reactions etc., or did that remain unmentioned?

A. That remained absolutely unmentioned. These are letters to the manager of the mine. They are Directors Duallberg and Kroege. I don't even know them. All these are problems which took place on the level of the local mines and with which the Aufsichtsrat could not concern itself.

Q. Well, then, I wanted to ask you, do you have any other knowledge of such incidents? Did Herr Duerrfeld report to you about them?

A. I don't think Herr Duerrfeld had to concern himself with it and he never reported to me. He could not concern himself with this.

Q. Thank you. I have no further questions.

THE PRESIDENT: Unless there is a universal feeling that we continue to a later hour we had probably better keep our word and recess at this time. May I inquire if any other of counsel for the defense will wish to interrogate Dr. Ambros? Will you hold up your hands and let's see an indication of how many. Two. Thank you, gentlemen. The Tribunal will now recess until nine o'clock Monday morning.

(A recess was taken until 0900, 1 March 1948)

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